

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

STEPHAN A. RICKS,
Applicant,

v.

DMA COMPANIES; DIANA McIVER; ROXANNE MARROQUIN; and NICHOLE GUPTILL,
Respondents.

**AMENDED AND SUPPLEMENTED APPLICATION FOR AN
EXTENSION OF TIME TO FILE A PETITION FOR A WRIT OF
CERTIORARI**

To the Honorable Samuel A. Alito, Jr., Associate Justice and Circuit Justice for the Fifth
Circuit

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Prepared September 25, 2026



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APPLICATION

To the Honorable Samuel A. Alito, Jr., Associate Justice of the Supreme Court of the United States and Circuit Justice for the Fifth Circuit:

Applicant Stephan A. Ricks respectfully applies under 28 U.S.C. §§ 1254(1) and 2101(c) and Supreme Court Rules 13.3, 13.5, 21, 22, 29, 30, and 33.2 for a 60-day extension of time to file a petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Fifth Circuit in No. 25-50444. The petition is presently due October 7, 2026. The requested extension would make it due Monday, December 7, 2026. This application seeks an extension only for Mr. Ricks.

JURISDICTION AND TIMELINESS

1. The judgment to be reviewed. The Fifth Circuit entered judgment on May 19, 2026, affirming the final judgment of the United States District Court for the Western District of Texas. App. A1; App. B1-B2. This Court would have jurisdiction under 28 U.S.C. § 1254(1).
2. The late rehearing petition was affirmatively entertained. On June 25, 2026, the Fifth Circuit granted Mr. Ricks leave to file his petition for rehearing en banc out of time. App. C1. The court filed that petition the same day. On July 9, 2026, the court treated the petition as a petition for panel rehearing, denied panel rehearing, and denied rehearing en banc. App. D1. The court therefore did more than receive or reject a request for permission: it granted leave, accepted the petition, construed it as seeking panel rehearing, and disposed of both forms of rehearing.
3. Rule 13.3 makes July 9 the operative date, subject to the Court's review of the authenticated orders. Supreme Court Rule 13.3 provides that when a lower court appropriately entertains an untimely petition for rehearing, the certiorari period runs from the denial of rehearing. *Bowman v. Loperena*, 311 U.S. 262, 266 (1940), recognizes that when a lower court permits a late rehearing petition, considers it, and denies it, finality for review purposes follows that denial. *Missouri v. Jenkins*, 495 U.S. 33, 45-50 (1990), likewise examines the lower court's actual treatment of rehearing papers. Dkts. 136 and 140, as produced by the Fifth Circuit, support that treatment.
4. The application is timely. Ninety days from July 9, 2026, is October 7, 2026. This application is dated September 25, 2026, 12 days before the petition is due and therefore satisfies Rule 13.5's ordinary requirement that the application be filed at least 10 days before the petition is due. A full 60-day extension ends Sunday, December 6; Supreme Court Rule 30.1 carries the due date to Monday, December 7, 2026. If the Court determines that Rule 13.3 does not apply, the May 19 judgment would produce an earlier August 17 deadline; Applicant presents the Rule 13.3 issue transparently and does not ask the Justice to treat an unresolved jurisdictional question as already decided.

SPECIFIC REASONS SUPPORTING GOOD CAUSE

5. Blindness and self-representation. Mr. Ricks is blind and has no counsel. Preparing a Rule 33.2 petition requires him to use screen-reader-compatible text, identify the operative versions of filings, compare court orders with party-created papers, verify citations, assemble an accurate appendix, prepare the required paper copies, and complete formal service. These tasks are unusually time-consuming without qualified reading and record-navigation assistance.

6. The decisive record arrived only on September 18. After a sustained records request, Deputy Clerk Lisa E. Ferrara sent four production emails on September 18 containing the Fifth Circuit materials requested. The authenticated production identified the May 19 opinion and judgment; the motion and order concerning rehearing out of time; the filed rehearing petition; the July 9 rehearing order; the mandate papers; both sides' briefs; record excerpts; and the relevant accommodation and prefiling materials. It supplied, for the first time in one production, the materials needed to test the Rule 13.3 calculation, but left only 19 days before the conditional petition deadline as measured from September 18.

7. Accessibility and reconciliation work remains substantial. The filed rehearing petition is an image-only eight-page PDF. Other filings contain OCR problems, incorrect addresses, inconsistent email addresses, unsupported quotations, and differing descriptions of what issues were preserved. Mr. Ricks must preserve the originals while preparing usable text, separate authenticated court rulings from party assertions, and correct inaccuracies before signing a filing for this Court.

8. Two material district-court sources require separate retrieval. Ms. Ferrara advised that W.D. Tex. Dkt. 110 must be obtained from the district court; that Fifth Circuit Dkt. 118 has no documents attached; and that the supplemental appellate record must also be obtained from the district court. Dkt. 110 concerns objections and reconsideration of orders central to the proposed question. The supplemental record includes the June 27, 2023 and October 9, 2024 transcripts. Obtaining and reviewing those sources is necessary to avoid unsupported claims about notice, counsel withdrawal, preservation, and prejudice.

9. The requested period is necessary and bounded. The extension would permit Mr. Ricks to complete record verification, prepare an accessible and accurately cited petition, assemble the appendix in Rule 14.1(i) order, and satisfy the Rule 39 and Rule 29 requirements. It is not sought to enlarge this Court's jurisdiction, postpone a lower-court proceeding, or add matters outside the record. No prior extension application has been filed to Mr. Ricks's knowledge.

RULE 10(a): SUPERVISORY CONSIDERATION

10. The anticipated petition presents a narrow Rule 10(a) supervisory question. Rule 10(a) recognizes that certiorari may be warranted when a court of appeals has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for this Court's supervisory power. Applicant does not claim that a summary affirmance, standing alone, establishes such a departure. The point is narrower: the record presents a serious question whether ordinary adjudicative safeguards were applied to a known blind pro se litigant before dispositive relief was allowed to rest on alleged litigation omissions, while requested reading and navigation assistance and a prefiling restriction remained part of the procedural setting.

The issue is institutionally important because it concerns the reliability of adjudication, not a request for preferential treatment. The Supreme Court has recognized that access to courts is a basic constitutional concern. *Boddie v. Connecticut*, 401 U.S. 371, 377-83 (1971), treats access to the judicial forum as subject to due-process protection in circumstances where the State monopolizes the means of obtaining relief. *Tennessee v. Lane*, 541 U.S. 509, 523-33 (2004), confirms the constitutional significance of meaningful access to judicial proceedings for persons with disabilities, while this application does not contend that Title II or Section 504 directly governs Article III courts.

The supervisory issue is therefore whether a court may treat the ordinary form of a pro se litigant's filings and participation as sufficient without first determining, on a task-specific record, whether the litigant could receive notice, review evidence, respond to dispositive material, and participate in the proceedings on an equal and effective basis. The proposed remedy is narrow: vacatur and remand for an adequate access-and-prejudice determination, not an award of the housing merits or a categorical right to appointed counsel.

RULE 10(c): IMPORTANT UNSETTLED FEDERAL QUESTION

11. The primary consideration is Rule 10(c). Rule 10(c) identifies as cert-worthy a decision presenting an important question of federal law that has not been, but should be, settled by this Court, or a decision on an important federal question that conflicts with relevant decisions of this Court. The anticipated petition will frame the question at the intersection of due process, access to courts, disability-related communication barriers, and the treatment of a pro se litigant's alleged omissions.

The question is not whether Mr. Ricks should prevail on the underlying Fair Housing Act, ADA, or Rehabilitation Act claims. It is whether the Fifth Amendment permits a federal court to terminate a civil action based on litigation omissions without determining whether a known blind pro se litigant had a meaningful, task-specific opportunity to receive notice, review evidence, and be heard after requesting reading and navigation assistance and while remaining subject to a prefiling restriction during dispositive proceedings.

That question warrants consideration because the governing principles exist in adjacent lines of authority but have not been squarely integrated for this setting. *Bounds v. Smith*, 430 U.S. 817, 828 (1977), and *Lewis v. Casey*, 518 U.S. 343, 351-53 (1996), teach that access must be tied to a reasonably adequate opportunity to present a claim and to concrete prejudice, not to abstract access. *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972), recognizes the obligation to read pro se submissions with appropriate solicitude. *Tennessee v. Lane* supplies an important disability-access principle, but the question here concerns constitutional process in a federal civil case and does not assume that the statutory holding extends directly to Article III courts.

The record offers a concrete vehicle. The appellate production includes the operative principal and reply briefing, the appellees' brief, the relevant orders, and the rehearing materials. The appellees' brief identifies the summary-judgment, access, and preservation disputes presented in the appeal. The remaining district-court materials identified by the Clerk will permit the petition to map the proposed question to the actual record rather than rely on recollection. The requested extension is designed to complete that vehicle analysis before the petition is signed.

QUESTION EXPECTED TO BE PRESENTED

The petition is expected to ask whether, before relying on litigation omissions to terminate a civil action, the Fifth Amendment requires a federal court to determine whether a known blind pro se litigant had a meaningful, task-specific opportunity to receive notice, review evidence, and be heard when the litigant requested reading and navigation assistance and remained subject to a prefiling restriction during dispositive proceedings. The proposed petition will not ask this Court to decide the underlying housing merits or to hold that ADA Title II or Section 504 directly governs Article III courts.

The anticipated petition will present Rule 10(c) as the principal basis for review and Rule 10(a) as an independent, narrower supervisory consideration. It will identify the limits of the record, distinguish verified orders from party assertions, and address causation and material prejudice rather than rely on disability status alone.

CONCLUSION

The application should be granted, and the time for Stephan A. Ricks to file a petition for a writ of certiorari should be extended through December 7, 2026.

Respectfully submitted:

Stephan A. Ricks
All Rights Reserved

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Dated: September 25, 2026

COURTESY COPIES AND DETACHED PROOF OF SERVICE

The following counsel of record represented the Respondents in Fifth Circuit No. 25-50444 and are identified for courtesy-copy and service purposes:

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PROOF OF SERVICE

I, Stephan A. Ricks, declare under penalty of perjury under the laws of the United States that, after the application is filed, I will serve a true and correct copy of this Application for an Extension of Time to File a Petition for a Writ of Certiorari on counsel of record for the Respondents by the method and on the date stated below, in accordance with Supreme Court Rule 29.

Method of service: Certified

Date of service: 9/25/2026

Stephan A. Ricks
All Rights Reserved

Stephan A. Ricks
Applicant Pro Se

United States Court of Appeals
for the Fifth Circuit

No. 25-50444

United States Court of Appeals
Fifth Circuit

FILED

May 19, 2026

Lyle W. Cayce
Clerk

STEPHAN A. RICKS,

Plaintiff—Appellant,

versus

DMA COMPANIES; DIANA McIVER; ROXANNE MARROQUIN;
NICHOLE GUPTILL,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:22-CV-773

Before JONES, DUNCAN, and DOUGLAS, *Circuit Judges.*

PER CURIAM:*

AFFIRMED. *See* 5TH CIR. R. 47.6.

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

United States Court of Appeals for the Fifth Circuit

No. 25-50444
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 19, 2026

Lyle W. Cayce
Clerk

STEPHAN A. RICKS,

Plaintiff—Appellant,

versus

DMA COMPANIES; DIANA McIVER; ROXANNE MARROQUIN;
NICHOLE GUPTILL,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:22-CV-773

JUDGMENT

Before JONES, DUNCAN, and DOUGLAS, *Circuit Judges*.

This cause was considered on the record on appeal and the briefs on file.

IT IS ORDERED and ADJUDGED that the judgment of the District Court is AFFIRMED.

The judgment or mandate of this court shall issue 7 days after the time to file a petition for rehearing expires, or 7 days after entry of an order denying

a timely petition for panel rehearing, petition for rehearing en banc, or motion for stay of mandate, whichever is later. See FED. R. APP. P. 41(B). The court may shorten or extend the time by order. See 5TH CIR. R. 41 I.O.P.

**United States Court of Appeals
for the Fifth Circuit**

No. 25-50444

United States Court of Appeals
Fifth Circuit

FILED

June 25, 2026

Lyle W. Cayce
Clerk

STEPHAN A. RICKS,

Plaintiff—Appellant,

versus

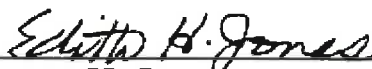
DMA COMPANIES; DIANA McIVER; ROXANNE MARROQUIN;
NICHOLE GUPTILL,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:22-CV-773

ORDER:

IT IS ORDERED that Appellant's motion for leave to file petition for rehearing en banc out of time is GRANTED.



EDITH H. JONES
United States Circuit Judge

United States Court of Appeals
for the Fifth Circuit

No. 25-50444

United States Court of Appeals
Fifth Circuit

FILED

July 9, 2026

Lyle W. Cayce
Clerk

STEPHAN A. RICKS,

Plaintiff—Appellant,

versus

DMA COMPANIES; DIANA McIVER; ROXANNE MARROQUIN;
NICHOLE GUPTILL,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:22-CV-773

ON PETITION FOR REHEARING EN BANC

Before JONES, DUNCAN, and DOUGLAS, *Circuit Judges*.

PER CURIAM:

Treating the petition for rehearing en banc as a petition for panel rehearing (5TH CIR. R.40 I.O.P.), the petition for panel rehearing is DENIED. Because no member of the panel or judge in regular active service requested that the court be polled on rehearing en banc (FED. R. APP. P.40 and 5TH CIR. R.40), the petition for rehearing en banc is DENIED.