No. 26-5057

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

RAMSI A. WOODCOCK

Plaintiff-Appellant,

- v. -

THE UNIVERSITY OF KENTUCKY, *et al.*,

Defendants-Appellees.

EMERGENCY MOTION REQUESTING A RULING ON EMERGENCY MOTION FOR INJUNCTION PENDING APPEAL

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Plaintiff-Appellant Ramsi A. Woodcock ("Plaintiff") hereby respectfully requests that this Court rule on his Emergency Motion for an Injunction Pending Appeal. That motion was originally filed on January 23, 2026. Dkt. No. 4. However, due to an oversight, it was not marked as an emergency motion in CM/ECF. *Id*. Plaintiff properly refiled the motion ten days ago on January 24, 2026. Emerg. Mot., Dkt. No. 6-1. The Court has not yet ruled.

INTRODUCTION

Plaintiff is a tenured law professor at University of Kentucky J. David Rosenberg College of Law (the "law school") who requests that the Court enjoin the investigation, interim suspension from teaching, research, and service, and ban from the law school building imposed by Defendants-Respondents Eli Capilouto, William Thro, Robert DiPaola, and James Duff ("Defendants") in retaliation for Plaintiff's protected speech in opposition to Israel. Emerg. Mot. 3, Dkt. No. 6-1. The grounds for the request are set forth in detail in the January 24 motion itself. *Id*. at 7–23. Plaintiff requests a timely ruling on the motion to prevent further irreparable harm.

The need for a ruling is immediate because the harm created by Defendants' actions is ongoing. The investigation, suspension, and ban physically prevent Plaintiff from speaking in the law building and affect every decision he makes

about whether to speak about Palestine. Woodcock Decl. 2/3/26 ¶ 16, Atch. 1. Two examples among many of the immediate need for an injunction are that Defendant's window of opportunity to return to teaching his International Law Seminar and other courses this semester will likely close if he does not return to teaching this week. Additionally, he faces a quandary regarding whether to submit a scholarly article calling for an end to Israel for publication during the peak annual law review submissions period, which is this week.

Due to a snow day last week and the Martin Luther King, Jr. Day holiday the week before, Plaintiff's International Law Seminar would only have met once for a non-substantive introductory class if he had been permitted to offer it as usual this semester. *Id*. at ¶ 15. Accordingly, if an injunction returns him to teaching the course this week, no catch-up classes will be required, minimizing the burden on students. In addition, this week is the peak period for submitting scholarly articles for publication in law reviews. *Id*. at ¶ 10. Plaintiff wishes to submit an article titled "A Law and Economic Argument for Ending Israel." *Id*. at ¶ 11. Absent an injunction, Plaintiff will be forced to choose between self-censorship by holding back the article from publication during the peak submissions period or the possibility of sanction if he submits it and Defendants use the submission as additional grounds for terminating his employment. *Cf. Fischer v. Thomas*, 52 F.

4th 303, 313 (6th Cir. 2022) (granting injunction pending appeal where plaintiffs faced "a choice between self-censorship and uncertain sanctions").

ARGUMENT

A. There Is an Urgent Need for a Ruling Because Plaintiff Is Suffering Irreparable Harm

Plaintiff requests a ruling on the January 24 motion because "the loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." *Elrod v. Burns*, 427 U.S. 347, 373 (1976). When injury is irreparable and ongoing, the only adequate remedy is to immediately stop it. *Bannercraft Clothing Company v. Renegotiation Board*, 466 F. 2d 345, 356 (D.C. Cir. 1972) ("The very thing which makes an injury 'irreparable' is the fact that no remedy exists to repair it.").

Plaintiff remains suspended from all teaching, research, and service activities. Woodcock Decl. 2/3/26 ¶ 1, Atch. 1. He also remains banned from accessing the law building, where his office and the law library are located. *Id*. at ¶ 2. Moreover, the University continues to carry out an investigation into Plaintiff's speech in opposition to Israel. *Id*. at ¶ 3. Defendants initiated the investigation in the absence of any complaints from students or faculty at the University, are employing an ad hoc process that circumvents established University procedures, and are using the investigation to convey a threat of termination. Full Duff Tr.,

Page ID # 1982:15–20; Emerg. Mot. 6–8, Dkt. No. 6-1; PI Reply, R. 34, Page ID ## 1596–97.

1. Defendants' Actions Have Created an Ongoing Loss of First Amendment Freedoms

a) The Investigation, Suspension and Ban Represent an Ongoing Threat of Discharge in Retaliation for Plaintiff's Protected Speech

In *Elrod v. Burns*, the Supreme Court held that there was a "loss of First Amendment freedoms" sufficient to cause irreparable injury where the victims "were threatened with discharge[.]" *Elrod v. Burns*. 427 U.S. at 373–74. In this case, Defendants have threatened Plaintiff with discharge. PI Reply, R. 34, Page ID ## 1596–97. The Washington, DC lawyer hired by Defendants to investigate Plaintiff has named only one possible sanction that Defendant Capilouto might impose on Plaintiff: termination. Thompson Letter 8/25/25, R. 19-15, Page ID # 1571. As part of a letter informing Plaintiff that she was investigating Plaintiff's speech in opposition to Israel in conferences and online discussion fora for law professors, the investigator also demanded that Plaintiff "stop immediately" activities that may violate University rules. First NOI, R. 19-15, Page ID ## 1559. Plaintiff reasonably understands that to mean that he should cease making statements in opposition to Israel in scholarly fora—or face termination. *See* Woodcock Decl. 1/2/26, R. 35, Page ID ## 1609–10. Defendants further conveyed the threat of discharge by arbitrarily suspending Plaintiff and banning him from

campus as part of the investigation. PI Reply, R. 34, Page ID # 1598. Both the investigator and Defendant Thro have informed Plaintiff that the University might add additional allegations against Plaintiff; presumably such additional allegations might relate to further speech by Plaintiff in opposition to Israel. First NOI, R. 19-15, Page ID # 1560; Thro Email 10/30/25, R. 19-4, 1085.

b) The Suspension and Ban Physically Prevent Plaintiff from Speaking to Students and Faculty Colleagues and Accessing Speech Via the Law Library and On-Campus Fora

Unlike in *Elrod v. Burns*, Defendants have gone beyond threats. They have also suspended Plaintiff from his job duties and banned him from the law building. Duff Letter, R. 19-3, Page ID # 493 (assigning Plaintiff to "100% professional development" and stating that he "will not have access to the [law] building"); Faculty Rules 6/30/24, R. 19-8, Page ID ## 1203–05 (describing teaching, research, and service as the three elements of a faculty member's job duties). These actions go beyond the chilling of speech at issue in *Elrod* to literally stop Plaintiff from speaking in the law school. As the suspension and ban are ongoing, these limits on Plaintiff's ability to speak are ongoing. As a result of the suspension, Plaintiff has not been able to speak as a teacher. Defendants canceled his fall 2025 Antitrust Law course. Am. Compl., R. 36, Page ID # 1656. They also canceled his spring 2026 International Law Seminar, in which Israel and Palestine are

discussed.[1] PI Memo, R. 19-1, Page ID # 205; Woodcock Tr., R. 40, Page ID # 1817:13–14. They also stopped Plaintiff from teaching his fall Secured Transactions course and his spring Contracts II course, both of which were given to other teachers. Am. Compl., R. 36, Page ID # 1656; PI Memo, R. 19-1, Page ID # 205. The suspension from service activities also removed Plaintiff from participation in law school committees, including the Community and Engagement Committee and the Speakers Committee, for which he had served as chair. Woodcock Decl. 2/3/26 ¶ 4, Atch. 1. As part of his duties in both committees, Plaintiff regularly organized discussion fora in which Plaintiff and other members of the community engaged in protected speech or accessed the protected speech of guest speakers.[2] *Id* at ¶¶ 5–6. The suspension has precluded Plaintiff from continuing to organize, speak in, and listen to speech in, such fora. *Id. at* ¶ 7. The ban on access to the law building has made it impossible for Plaintiff to speak to

[1] The University has not alleged that Plaintiff has ever said anything that the University considers objectionable in his International Law Seminar. *See* First NOI, R. 19-15, Page ID ## 1558–59; Second NOI, R. 19-15, Page ID ## 1573–74.

[2] For example, as chair of the Speakers Committee in fall 2024, Plaintiff invited Professor John Quigley of Ohio State's Moritz College of Law to present a paper titled "Israel's Right to Exist from the Perspective of Recent Developments in International Law." Woodcock Decl. 2/3/26 ¶ 6, Atch. 1. In addition, one of the allegations that Defendants have brought against Plaintiff relates to speech by Plaintiff at a discussion forum on—ironically enough—free speech on campus that Plaintiff organized as part of his role as chair of the Community and Engagement Committee in fall 2024 as well. Am. Compl., R. 36, Page ID # 1641; Woodcock Decl. 2/3/26 ¶ 5, Atch. 1.

colleagues and students in the physical location in which they are most accessible to him. *Id.* at ¶ 8. The ban has also prevented Plaintiff from accessing information in the law library, which is located in the law building. Woodcock Tr., R. 40, Page ID # 1852:10–13. The law library has many paper-only sources, Plaintiff finds bound volumes easier to read, and denial of access prevents browsing of stacks, which is a unique means by which scholars survey the research landscape and which Plaintiff has found fruitful in the past. Woodcock Decl. 2/3/26 ¶ 9, Atch. 1.

c) The Investigation, Suspension, and Ban Impose a Continuous and Ongoing Chill on Plaintiff's Speech

To be sure, the ongoing investigation, suspension, and ban (the "adverse actions") not only stop Plaintiff from speaking but also impose a continuous and ongoing chill on Plaintiff's speech. Plaintiff wishes constantly to disseminate his research conclusions and views in opposition to Israel through all of the means by which a scholar might reasonably wish to disseminate conclusions that could stop a genocide, including via social media, at academic conferences, in online discussion groups for scholars, and by publishing scholarly works. Woodcock Decl. 2/3/26 ¶ 16, Atch. 1. The adverse actions cause Plaintiff ongoing anxiety, emotional distress, and psychological pressure to self-censor when he speaks about Palestine, limit the volume of his speech about Palestine, and, by forcing him to allocate time to his defense against these activities, reduce the amount of time available to him to conduct research and other expressive activities regarding Palestine, thereby

slowing the rate at which he has been able to complete scholarship about Palestine. Woodcock Decl. 1/2/26, R. 35, Page ID ## 1608–10. The adverse actions have also made students and faculty colleagues afraid to speak about Palestine or to interact with Plaintiff. Id. at 1610–11; Bolter Decl. ¶ 7, R. 19-9, Page ID # 1250; Lee Decl. ¶ 8, R. 19-11, Page ID # 1258; Donovan Decl. ¶¶ 5–7, R. 19-12, Page ID # 1262; Hawthorne Decl. ¶ 7, R. 19-13, Page ID # 1266. These actions also create continuous, ongoing, and severe reputational and career harm that further limit Plaintiff's opportunity to speak to student bodies and faculties at other schools. That is because they place a scarlet letter on Plaintiff that makes mentors and recommenders unwilling to support Plaintiff in applying for teaching jobs at other schools, which Plaintiff seeks to do constantly. Woodcock Decl. 1/2/26 ¶ 8, R. 35, Page ID # 1611. The adverse actions also create ongoing harm, including anxiety and emotional distress, for Plaintiff's family, thereby enhancing the pressure Plaintiff feels to self-censor. Woodcock Decl. 1/2/26 ¶ 9, R. 35, Page ID # 1611–12. For example, Plaintiff's three-year-old daughter noticed that plaintiff was no longer going to work and asked him if he was still a teacher. *Id*.

d) An Example of the Chill: The Quandary Faced by Plaintiff in Deciding Whether to Submit a Law Review Article Opposing Israel for Publication This Week

The chilling of speech associated with loss of First Amendment freedoms often manifests in a quandary faced by the victim regarding whether to speak and

risk sanction or self-censor. *See Elrod*, 427 U.S. at 373–74 (noting that some victims in that case chose to face a threat of discharge whereas others agreed to support the Democratic Party in order to avoid that threat); *Fischer v. Thomas*, 52 F. 4th 303, 313 (6th Cir. 2022) (condemning an investigation that created "a choice between self-censorship and uncertain sanction"). The adverse actions cause Plaintiff to face this choice whenever Plaintiff contemplates speaking in opposition to Israel. Because Plaintiff continually seeks to engage in such speech, Plaintiff continually faces this quandary.

Consider, for example, the quandary in which Defendants have placed Plaintiff with respect to the spring law review submissions cycle. Submissions Insights 10, Atch. 2. Plaintiff wishes to submit a scholarly article to law reviews titled "A Law and Economic Argument for Ending Israel" during the current cycle. Woodcock Decl. 2/3/26 ¶ 11, Atch. 1. In the spring cycle, the peak submissions period for law reviews is the first week of February—this week. Submissions Insights 6–7, Atch. 2. Like all other scholars affiliated with a law school, Plaintiff normally identifies his University affiliation in the asterisk footnote at the beginning of his article. Woodcock Decl. 2/3/26 ¶ 12, Atch. 1. The University normally pays the cost of Plaintiff's submissions, which runs into the hundreds of dollars. *Id*. Plaintiff has never submitted his articles to University officials for review and approval prior to submitting them for publication by law reviews. *Id*.

As a result of Defendants' ongoing adverse actions against Plaintiff, Plaintiff reasonably fears that carrying out this otherwise routine scholarly act will result in his discharge by the University. Woodcock Decl. 2/3/26 ¶ 13, Atch. 1. Defendants have suggested that it is a violation of University rules for Plaintiff to use taxpayer money to call for an end to Israel when speaking "as a University of Kentucky Law Professor." Emerg. Mot. 5, Dkt. No. 6-1; PI Resp., R. 26, Page ID # 1402; Full Duff Tr., R. 40, Page ID # 1995:2–5. They have also suggested that they view opposition to the existence of Israel as creating a hostile environment and to be speech unprotected by the First Amendment because it is "off-topic" in relation to Plaintiff's work in law and economics. PI Resp., R. 26, Page ID # 1401; MTD, R. 23, Page ID # 1290; Second NOI, R.19-15, Page ID ## 1573–74. Finally, they have suggested that it is a violation of University rules for Plaintiff to use University "technology resources" to engage in "mass mailings" or "spamming" without prior approval of University public relations officers. First NOI, R. 19-15, Page ID # 1559; Tech. Pol'y §§ III.C(4), IV.J.c.vii, R.19-3, Page ID # 584. The username for Plaintiff's account on the law review submissions platform Scholastica is Plaintiff's University-provided email address; it is possible that the University would consider use of that username to constitute use of University information technology resources. Tech. Pol'y § III.C(4), R.19-3, Page ID # 581; Woodcock Decl. 2/3/26 ¶ 12, Atch. 1. Like many scholars, Plaintiff normally submits his

articles to dozens of law reviews at the same time. *Id*. Each submission by Plaintiff triggers a mass email to law review editors notifying them about his submission. *Id*. Accordingly, if Plaintiff submits his article as planned this week, uses his regular submissions account to submit the article, and spends University funds to pay for the submissions as he normally would, Defendants might add additional allegations to the investigation. They might allege that he used taxpayer money to call for an end to Israel when speaking as a University of Kentucky professor, that his article submission constituted "spamming" of law review editors with his views opposing Israel, and that his opposition to Israel creates a hostile environment.[3] As the University's investigator has indicated, these allegations could become the basis for a recommendation of termination by Defendant Capilouto. Thompson Letter 8/25/25, R. 19-15, Page ID # 1571. Plaintiff could avoid creating additional risk of termination by waiting for the investigation to conclude in the hope that Defendant Capilouto might ultimately decide that his speech is protected by the First Amendment.[4] Thro Letter 9/19/25, R. 19-4, Page ID # 1067 (suggesting that

[3] Plaintiff cannot say for sure whether Defendants will consider his submission a violation because Defendants have refused to specify which parts of University regulations they believe that Plaintiff's speech opposing Israel may have violated. Kapitan Letter 9/24/25, R. 19-4, Page ID ## 1070–72; Thompson Letter 9/29/25, R. 19-4, Page ID ## 1078; *cf. Fischer v. Thomas*, 52 F. 4th 303, 310 (6th Cir. 2022) ("Forced to guess[,]" plaintiffs will "censor much more speech than necessary.").

[4] As noted in the emergency motion, Defendants have refused to rule on the constitutionality of the investigation until the investigation is completed. Emerg.

First Amendment questions may be decided after the conclusion of the investigation). However, Plaintiff will then have missed his opportunity to submit his article during the peak of the law review submissions cycle, likely resulting in a worse placement and hence a less effective platform for his speech. Submissions Insights 6–7, Atch. 2; Woodcock Decl. 2/3/26 ¶ 10, Atch. 1. While he might submit the article again next year,[5] the imprimatur of law review publication of his views will have been delayed by a year during a crucial moment in public and scholarly debate about Israel's future. *Id*. at ¶ 14.

2. The Impact on Speech is Current and Ongoing

The Supreme Court in *Elrod* noted that an injunction is appropriate where the challenged actions "threaten to impair" the "ability to speak . . . at the time relief [is] sought." *Elrod v. Burns*, 427 U.S. at 373–74; *cf. Fischer v. Thomas*, 78 F. 4th 864, 868–69 (6th Cir. 2023) (denying preliminary injunction because threat to impair speech had passed). That is the case here. As discussed above, these actions are preventing Plaintiff from speaking to students in his capacity as a teacher and

Mot. 11, Dkt. No. 6-1. It is for this reason that Plaintiff must seek relief for constitutional harm in federal court. *Id*. at 11–12.

[5] Plaintiff could also submit the article in the summer submission cycle, but fewer law reviews participate in that cycle, reducing the probability of a good placement. Woodcock Decl. 2/3/26 ¶¶ 10, 14, Atch. 1.

from speaking to colleagues and students in the law building.[6] They are also chilling both the community's and Plaintiff's speech about Palestine in ways that include, but are not limited to, creating a law review submissions quandary for Plaintiff this week.

3. If Issued Today, An Injunction Pending Appeal Would Forestall Much of the Harm

An injunction pending appeal would pause much of the "loss of First Amendment freedoms" described above and hence much of the consequent irreparable harm. For example, imposition of an injunction today could allow Plaintiff to return to teaching this semester. At the point in the semester at which Plaintiff filed the emergency motion on January 24, Plaintiff's International Law Seminar would have met only once during the semester for a non-substantive introductory meeting had it been offered. Woodcock Decl. 2/3/26, Atch. 1. Plaintiff typically offers the seminar on Mondays, and the seminar would not have met on the first day of classes on January 12 but not on the following Monday, January 19, which was Martin Luther King Jr., Day. Woodcock Decl. 2/3/26 ¶ 15, Atch. 1. The seminar would not have met this past Monday, January 26, because the University was closed due to snow. *Id*. Accordingly, were the Court to issue an injunction

[6] They have also prevented Plaintiff from attending faculty meetings and any of the many in-person meetings associated with the new faculty hiring process and the ongoing search for a new permanent dean for the law school.

today and the law school to list the course starting later in the week, students picking up the course would be no worse off in terms of missed substantive instruction than if the course had been offered starting at the beginning of the semester. The University assigned another professor to teach Plaintiff's contracts class this spring, so Plaintiff could be reinstated to that course without any need for catchup instruction as well. PI Memo, R. 19-1, Page ID # 205. The law school has an interest in making the substitution because the present instructor has not taught the course recently, if ever, so the switch would make students better off. *Id*. Snow closure of the University during the first three days of last week will further smooth the transition because the course has not advanced as far as it otherwise might at this point in the semester. Woodcock Decl. 2/3/26 ¶ 15, Atch. 1.

Even if delay in issuing an injunction has rendered teaching this semester impossible for Plaintiff, an injunction would pause much other loss of First Amendment freedoms. Lifting of the suspension would permit Plaintiff to return to his committee assignments and thereby to continue to organize and attend discussion fora and guest seminars sponsored by the Community and Engagement and Speakers Committees. It would allow him to access colleagues and former students on campus, to once again use his office to conduct research, and to access the law library stacks. An injunction would also greatly reduce the chill on community speech and Plaintiff's speech. The signal sent by the Court's

determination that Plaintiff has a likelihood of success on the merits would likely reduce the psychological pressure on Plaintiff, students, and colleagues to self-censor in speaking about Israel or Palestine and allow Plaintiff to safely reallocate time from his defense back to research and expressive activities related to Palestine. It would also likely reduce some of the reputational effects that have limited Plaintiff's ability to seek employment at other schools. It would lessen the quandary whether to self-censor or face sanction that Plaintiff continually faces in speaking about Palestine, including the quandary Plaintiff faces regarding whether to submit his article on ending Israel this week during the peak of the law review submissions cycle.

4. This Court Has Granted an Injunction Pending Appeal on Similar Facts

This case is like *Fischer v. Thomas*, in which this Court enjoined an ongoing investigation into speech pending appeal of a denial of a preliminary injunction. *Fischer v. Thomas*, 52 F. 4th 303, 306, 313 (6th Cir. 2022) (hereinafter *Fischer I*). In *Fischer*, the Kentucky Judicial Conduct Commission initiated an investigation into plaintiff candidates for state judicial office for potential violations of the Kentucky Code of Judicial Conduct. *Id*. at 306. The Commission summoned the candidates to an investigatory meeting. *Fischer v. Thomas*, 78 F. 4th 864, 867 (6th Cir. 2023) (hereinafter *Fischer II*). The candidates brought facial and as-applied First Amendment challenges to the judicial conduct rules. *Fischer I*, 52 F. 4th at

306. After the district court denied their motion for a preliminary injunction to halt the investigation, the candidates sought an injunction pending appeal from this Court based on the "specter of impending enforcement . . . [causing] self-censorship[.]" This Court concluded that the Judicial Conduct Commission's initiation of the investigation "put the candidates to a choice between self-censorship and uncertain sanction." *Fischer I*, 52 F. 4th at 313. Because the First Amendment protected the candidates "from having to make such a choice", this Court granted the injunction pending appeal. *Id*.

The instant case for an injunction pending appeal is stronger than the case in *Fischer* because here Defendants have gone beyond threats. They have already suspended Plaintiff and banned him from the law building, thereby physically preventing Plaintiff from addressing students and faculty colleagues. Moreover, both of these punishments are ongoing. They have also expressly commanded that Plaintiff "stop immediately"—a demand that Plaintiff reasonably interprets to apply to his speech.[7] First NOI, R. 19-15, Page ID ## 1559; Woodcock Decl. 1/2/26, R. 35, Page ID ## 1609–10.

[7] The Court's decision in *Fischer* not to abstain under the doctrine of *Younger v. Harris*, 401 U.S. 37 (1969) is also significant in relation to Plaintiff's argument on appeal that *Younger* does not apply. Plaintiff argues that *Younger* does not apply because he filed suit during the investigation stage of the state proceeding. Emerg. Mot. 8–14, Dkt. No. 6-1. As in the instant case, the candidates in *Fischer* also filed

B. There Is an Urgent Need for a Ruling Because Once the Investigation Concludes Plaintiff Will be Unable to Obtain Prospective Relief for Constitutional Harm

Finally, as noted in Plaintiff's January 24 motion, an injunction pending appeal is necessary to ensure that Plaintiff can obtain prospective relief for the loss of Plaintiff's First Amendment freedoms. Emerg. Mot. 7–8, Dkt. No. 6-1. Plaintiff challenges the investigation and associated interim suspension and ban. *Id*. at 9. The investigator has indicated that Plaintiff will have two weeks to respond to the investigator's written questions if the injunction pending appeal is denied. Woodcock Decl. 2/3/26 ¶ 3, Atch. 1. The investigator's process letter further states that after receiving Plaintiff's response, the investigator will provide Plaintiff with two weeks to respond to a first evidence review and an additional week to respond to a second review, after which the investigation will terminate and Defendant Capilouto will issue a ruling. Thompson Letter 8/25/25, R. 19-15, Page ID # 1570. Accordingly, the investigation may terminate in as little as five weeks after denial of Plaintiff's motion for an injunction pending appeal. That is too little time to

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suit during the investigation stage of a state proceeding. *Fischer II*, 78 F. 4th at 867, 869; Emerg. Mot. 12, Dkt. No. 6-1. The Court in *Fischer II* considered the *Younger* question in responding to an argument of the candidates that the preliminary injunction was necessary to avoid application of *Younger* abstention once disciplinary charges were filed. 78 F. 4th at 869. The Court rejected this argument on the ground that the candidates had filed suit during the investigation, which, according to the Court, was before the state proceeding had commenced for *Younger* purposes, thereby precluding abstention under *Younger*. *Id*.

obtain a ruling from this Court even under an expedited briefing schedule, much less to provide the District Court with time to reach the merits of Plaintiff's preliminary injunction motion after remand. As the University has refused to decide Plaintiff's constitutional claims before the end of the investigation, failure to grant a preliminary injunction will deny Plaintiff any opportunity for constitutional review of the investigation, suspension and ban in either a state or federal forum. Emerg. Mot. 9–10, Dkt. No. 6-1.

CONCLUSION

WHEREFORE, Plaintiff begs this Court to grant Plaintiff's emergency motion for a ruling on Plaintiff's January 24, 2026 emergency motion for an injunction pending appeal.

February 3, 2026

Respectfully submitted,

/s/ Rima Kapitan

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TYPE-VOLUME CERTIFICATION

Pursuant to Federal Rule of Appellate Procedure 32(g), Rima Kapitan hereby certifies that this motion complies with the type-volume limitation in Rule 26(d)(2)(A) because, as counted by the Microsoft Word word count tool, this motion contains 4,473 words, excluding the parts exempted by Rule 32(f). This motion complies with the typeface requirements in Rule 32(a)(5)(A) and the type-style requirements in Rule 32(a)(6) because this motion has been prepared in proportionally spaced 14-point Times New Roman font.

Dated: February 3, 2026

/s/ Rima Kapitan
RIMA KAPITAN

CERTIFICATE OF SERVICE

I certify that on February 3, 2026, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Sixth Circuit using the CM/ECF system. I also certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Rima Kapitan
RIMA KAPITAN

6 CIR. R. 27(C)(2) ATTACHMENTS

Number	Citation Form	Document
1	Woodcock Decl. 2/2/26	Declaration of Ramsi A. Woodcock, dated February 2, 2026
2	Submissions Insights	Scholastica Law Review Submissions Insights: 2025 Edition (Jan. 2025), https://scholasticahq.com/law-review-submissions-insights/
3	Thro Email 10/30/25	Email of William Thro to Rima Kapitan Regarding Question about the Basis for the "Reassignment", dated and timed October 30, 2025 at 7:12 PM [Note: The attachment to Plaintiff's January 24, 2026 Emergency Motion for an Injunction Pending Appeal included the wrong document under this heading. The correct document is attached here.]
4	Woodcock Tr.	Relevant Excerpts of Transcript of Testimony of Plaintiff Ramsi A. Woodcock at Hearing Regarding Motion for Preliminary Injunction Held on December 19, 2025.
5	Bolter Decl.	Declaration of Lucy Bolter in Support of Plaintiff's Motion for a Preliminary Injunction, dated October 28, 2025
6	Hawthorne Decl.	Declaration of Florentino Hawthorne in Support of Plaintiff's Motion for a Preliminary Injunction, dated November 7, 2025
7	Woodcock Decl. 1/2/26	Additional Declaration of Ramsi Woodcock in Support of Plaintiff's Reply to Defendant's Response to Motion for a Preliminary Injunction, dated January 2, 2026
8	Full Duff Tr.	Transcript of Entire Testimony of Defendant James Duff at Hearing Regarding Motion for Preliminary Injunction Held on December 19, 2025.

9	Kapitan Letter 9/24/25	Letter from Rima Kapitan to Farnaz Thompson, dated September 24, 2025
10	Thompson Letter 9/29/25	Letter from Farnaz Thompson to Rima Kapitan, dated September 29, 2025
11		Notice of Appeal, filed January 21, 2026
12	PI Order	Order From Which Appeal Is Made: Memorandum Opinion and Order Granting Defendants' Motion to Abstain, Dismissing Plaintiffs' Motion for a Preliminary Injunction, and Denying Defendants' Motion to Dismiss, dated January 8, 2026
13	Am. Compl.	Plaintiff's Amended Complaint, dated January 7, 2026.
14	Duff Letter	Letter from James Duff to Ramsi Woodcock, dated July 18, 2025
15	First NOI	Letter of Farnaz Thompson to Ramsi Woodcock Regarding Notice of Investigation, dated July 22, 2025
16	Second NOI	Letter of Farnaz Thompson to Joe F. Childers Regarding Amended Notice of Investigation University of Kentucky, Office of Equal Opportunity, Investigation No. 20251230, dated September 8, 2025
17	Thompson Letter 8/25/25	Letter from Farnaz Thompson to Joe F. Childers, dated August 25, 2025
18	Thro Letter 9/19/25	Letter of William Thro to Rima Kapitan, dated September 19, 2025
19	Donovan Decl.	Declaration of James Donovan in Support of Plaintiff's Motion for a Preliminary Injunction, dated December 10, 2025

20	Lee Decl.	Declaration of Zachary Lee in Support of Plaintiff's Motion for a Preliminary Injunction, dated December 10, 2025
21	Tech. Pol'y	University of Kentucky Administrative Regulation 10:1 Use of Technology Resources
22	Faculty Rules 6/30/24	University of Kentucky J. David Rosenberg College of Law Law Faculty Rules and Policies Revised June 30, 2024
23	PI Mem.	Memorandum of Law in Support of Motion for Preliminary Injunction and Expedited Consideration, filed December 12, 2025
24	PI Resp.	Defendants' Response to Motion for Preliminary Injunction, filed December 18, 2025
25	PI Reply	Plaintiff's Reply to Defendant's Response to Motion for a Preliminary Injunction, dated January 2, 2026
26	MTD	Defendants' Motion to Dismiss, filed December 17, 2025