

No. 26-5057

---

**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

---

RAMSI A. WOODCOCK

*Plaintiff-Appellant,*

- v. -

UNIVERSITY OF KENTUCKY; ELI CAPILOUTO, IN HIS OFFICIAL AND  
INDIVIDUAL CAPACITIES; ROBERT DIPAOLO, IN HIS OFFICIAL AND  
INDIVIDUAL CAPACITIES; WILLIAM EUGENE THRO, IN HIS OFFICIAL  
AND INDIVIDUAL CAPACITIES; JAMES C. DUFF, IN HIS INDIVIDUAL  
CAPACITY; LINDA MCMAHON, IN HER OFFICIAL CAPACITY AS UNITED  
STATES SECRETARY OF EDUCATION; RUSSELL MATTHEW COLEMAN,  
ATTORNEY GENERAL; GREGORY F. VAN TATENHOVE, IN HIS OFFICIAL  
CAPACITY

*Defendants-Appellees.*

On Appeal from the United States District Court  
for the Eastern District of Kentucky at Lexington  
(Docket No. 5:25-cv-00424-DCR)

---

**PLAINTIFF-APPELLANT'S NOTICE OF NEW DEVELOPMENT  
REGARDING PENDING MOTION FOR MANDATE**

---

RIMA KAPITAN  
Kapitan Gomaa Law, P.C.  
P.O. Box 46503  
Chicago, IL 60646  
(312) 566-9590  
[rima@kapitangomaa.com](mailto:rима@kapitangomaa.com)

*Counsel for Plaintiff-Appellant*

JOE F. CHILDERS  
Joe F. Childers & Associates  
The Lexington Building  
201 West Short Street, Suite 300  
Lexington, KY 40507  
(859) 253-9824

Plaintiff-Appellant (“Plaintiff”) respectfully submits this update regarding the pending Emergency Motion for Immediate Issuance of the Mandate, filed August 26, 2026. Dkt. 100-1. University Defendants have lifted the voluntary stay on the next step in the investigation that they had maintained throughout the trial court and appellate proceedings. Defendants are now forging ahead with one of the very acts Plaintiff seeks to enjoin before the mandate issues and before the District Court has had an opportunity to consider Plaintiff’s motion for a preliminary injunction.

On August 27, 2026, this Court directed Defendants to file a response to Plaintiff’s motion to expedite the mandate by tomorrow, September 2, 2026. Dkt. 101. Subsequent to that order, on September 1, 2026, the University’s investigator rejected Plaintiff’s request that she continue to honor the University’s voluntary stay of Plaintiff’s deadline to provide written responses to her questions. Thompson Emails at 3, Exhibit A; Investigator Questions, Exhibit D. The investigator had adhered to that voluntary stay throughout the entirety of this case, including both the proceedings in the District Court and this appeal. Exhibit B. Plaintiff followed up with objections to the investigator’s refusal to honor the stay, but the investigator again declined to honor it. Thompson Emails at 1–3, Exhibit A.

In her email, the investigator stated that Plaintiff must respond to the forty-two questions, which Plaintiff contends are unconstitutional, by September 8,

2026, “[o]therwise, I will have no choice but to conclude that Professor Woodcock does not wish to participate in this investigation.” Thompson Emails at 3, Exhibit A. Such a finding of nonparticipation could lead University Defendants to cancel Plaintiff’s right to two “evidence reviews” under the process outlined by the investigator and allow the University Defendants immediately to finalize the unconstitutional investigation before jurisdiction returns to the District Court. Thompson Letter at 2, Exhibit C (indicating that after Professor Woodcock responds to questions he will have the right to respond to a “First Evidence Review” and a “Second Evidence Review”). If University Defendants then file disciplinary charges before the District Court has had an opportunity to rule on Plaintiff’s motion for a preliminary injunction, University Defendants may once again seek abstention, thereby frustrating this Court’s remand to the District Court for “consideration of Woodcock’s motion for a preliminary injunction and further proceedings consistent with this opinion.” *Woodcock v. University of Kentucky*, No. 26-5057, slip op. at 5 (6th Cir. Aug. 24, 2026); *cf. Fischer v. Thomas*, 78 F. 4th 864, 869 (6th Cir. 2023) (entertaining argument that a preliminary injunction would be appropriate because “once” defendant “initiates formal proceedings, a federal court won’t be able to stop them” due to *Younger* abstention, “making any harm caused by those proceedings irreparable”).

Even if Plaintiff submits written responses by the September 8, 2026, deadline and the University Defendants do not cancel the evidence reviews, those reviews could be completed within three weeks of September 8, 2026, again potentially allowing University Defendants to file charges and seek abstention before the District Court has had an opportunity to decide Plaintiff's preliminary injunction motion. Thompson Letter at 2, Exhibit C (allowing two weeks to respond to the first evidence review and one week to respond to the second evidence review, after which the investigation will conclude).<sup>1</sup>

Plaintiff provides this notice solely to apprise the Court that the threat of irreparable harm is immediate. Defendants are altering the status quo at a time when the District Court is unable to intervene in aid of its jurisdiction because the mandate has not issued.

---

<sup>1</sup> Because the United States Secretary of Education is a party to the case in the District Court, it is possible that, at a minimum, the mandate in this case will not issue before October 15, 2026, which is 52 days after the filing of this Court's opinion on August 24, 2026. Accordingly, because three weeks from September 8, 2026, is September 29, 2026, University Defendants could conclude the investigation before issuance of the mandate in either scenario. (When a "United States officer" "sued in an official capacity" is "one of the parties" to a case, the time to file a petition for rehearing is "45 days after entry of judgment". Fed. R. App. P. 40(d)(1); Fed. R. App. P. 40(d)(1)(C). The mandate normally issues no earlier than seven days after the time to file a petition for rehearing expires. Fed. R. App. P. 41(b). Accordingly, it is possible that the earliest the mandate will issue is 52 days after judgment. If Defendants file a rehearing petition, issuance may be further delayed. *Id.*)

Plaintiff continues to request the relief sought in the original motion.

Dated: September 2, 2026

Respectfully submitted,

/s/ Rima Kapitan

RIMA KAPITAN  
Kapitan Gomaa Law, P.C.  
P.O. Box 46503  
Chicago, IL 60646  
(312) 566-9590

/s/ Joe F. Childers

JOE F. CHILDERS  
Joe F. Childers & Associates  
The Lexington Building  
201 West Short Street, Suite 300  
Lexington, KY 40507  
(859) 253-9824

*Counsel for Plaintiff-Appellant*

## **INDEX OF EXHIBITS**

Exhibit A: Thompson Emails, September 1, 2026.

Exhibit B: Extension Emails (Originally filed as Dkt. 14-2, pp. 101–05, 107–08).

Exhibit C: Thompson Letter, August 25, 2025 (Originally filed as R. 19-15, PageID# 1569–71).

Exhibit D: Investigator Questions (Originally filed as Dkt. 14-2, pp. 80–89).

**CERTIFICATE OF SERVICE**

I certify that on September 2, 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

Kapitan Gomaa Law, P.C.

P.O. Box 46503

Chicago, IL 60646

(312) 566-9590