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RECENT LEGAL CHALLENGES · DOMESTIC

Before You Can Win, You Have to Get In: Supreme Court Weighs Who Gets Heard

In its first week, the Supreme Court heard a veteran's case against Congress and a Guam group's challenge to the Air Force. Both turn on a basic question: which court, if any, can hear you?



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At 10 a.m. on Monday, October 5, 2026, the U.S. Supreme Court opened its new term. Before the justices heard a single argument, the Court released its first order list. That day, the Court turned away hundreds of petitions from people hoping for their turn.

Then came the cases the Court had agreed to hear. The second one that morning had an unusual name on the defendant's side: **the United States Congress**.

The case is *Johnson v. United States Congress*, No. 25-735, which came up from the U.S. Court of Appeals for the Eleventh Circuit. It involves a law that limits disability benefits for certain veterans who are in prison. But the justices are not being asked, at least for now, whether that law is fair. They are being asked something that comes first: **can a regular federal trial court even hear the challenge?**

The question before the question

Lawyers call these "threshold" issues. Before a judge decides who is right, the judge must have the power to hear the case. If not, the case can be dismissed, however strong or weak it is.

That can sound like a technicality. For anyone going to court without a lawyer, it can decide everything. Filing in the wrong place can cost months.

The October sitting had a second case with a similar theme. In *Department of the Air Force v. Prutehi Guåhan*, No. 25-579, argued October 7, a community group brought an environmental challenge over the military's detonation of munitions on Guam. That case came from the Ninth Circuit. According to a case-by-case review of the arguments by the group No Labels, the justices seemed worried about shutting the community group out of court.

What happened at argument

Johnson was set for one hour of argument. Atlanta lawyer Jeffrey W. Chen argued for the petitioner, Floyd D. Johnson. Kevin J. Barber, an Assistant to the Solicitor General at the Department of Justice, argued for the government side.

The same No Labels review summed up the hearing this way: the justices "saw flaws on both sides." That hints the final ruling may not be a clean win for anyone.

No decision has been issued. Rulings in cases argued this term are expected by the end of June 2027.

Where reasonable people disagree

These cases touch an old tension in American law. Readers who want each side's exact arguments can find the briefs on the case dockets at supremecourt.gov. But the broad debate goes like this.

The case for clear channels. Article III of the Constitution lets Congress create the lower federal courts, and Congress often decides which claims go where. Some disputes go first to agencies or specialized courts that handle them every day. Supporters of firm channeling rules say this brings consistent results, puts experts in charge, and keeps general courts from being swamped. They also point out that courts are meant to settle real disputes, not every complaint about how government works.

The case for an open door. On the other side is the belief that people with serious constitutional claims should be able to reach an independent judge. Critics of strict channeling worry that some people, especially those with little money or power, can end up with no forum where their real argument is heard. In the Guam case, that concern is what reportedly troubled some justices.

Both sides care about fairness. One stresses order and consistency. The other stresses access. The Court must decide how to balance them.

Why it matters to ordinary people

Most readers will never sue Congress or the Air Force. But every self-represented litigant faces a version of the same question: *Which court, agency, or office is the right one for my problem?*

Rules about where cases belong exist in family court, small claims, housing court, and benefits appeals. Courts often enforce these rules strictly, even for people without lawyers. Deadlines may keep running while a case sits in the wrong place.

This article is not legal advice, and it cannot tell you where your case belongs. A court self-help center, a legal aid office, or a licensed attorney can help with that. Court clerks cannot give legal advice, but they can often explain filing procedures.

What comes next

The Supreme Court's November arguments begin November 2. Opinions in *Johnson* and *Prutehi Guahan* could come any time before the term's end, likely by June 2027. Whatever the Court decides, its answer could shape how easily people can get a judge to hear challenges against the government.

Food for Thought

- If a specialized system cannot give you the remedy you are asking for, should you be allowed to

go to a regular court instead?

- Is it fairer to have one clear path for every claim, even if it is slow, or several paths that may confuse people?
- How much flexibility should courts give self-represented people who file in the wrong place by mistake?

How Kasecraft can help

Not sure where to turn? Our resources page lists self-help centers, legal aid groups, and law libraries that can help you understand which court handles what. Once you know your court, the free deadline calculator can help you keep track of key dates. These tools are not legal advice and do not replace a licensed attorney.

KASECRAFT FEATURE SPOTLIGHT

Community Notice Board

When legal fees are out of reach, you do not have to walk into court alone and unprepared. Each edition, we look at one Kasecraft tool and how it helps self-represented litigants present their case with confidence.

WHAT IT DOES

Announcements, requests for help, offers of help, events, and resources posted by members.

AN EXAMPLE

A member posts a free weekly practice night for people with small claims dates. Three people who saw the notice practice together before their hearings.

WHY IT PUTS YOU IN A STRONGER POSITION

- Connecting people who need help with people offering it multiplies the resources available.

Cost: Listings from \$5 for 30 days. kasecraftportal.com/notices

Kasecraft tools are self-help resources, not legal advice or representation.

SOURCES AND CITATIONS

1. The October sitting so far - SCOTUSblog <https://www.scotusblog.com/2026/10/the-october-sitting-so-far/>
 2. The first Monday in October - SCOTUSblog <https://www.scotusblog.com/2026/10/the-first-monday-in-october/>
 3. What the Supreme Court Heard in October 2026 - No Labels <https://nolabels.org/the-latest/what-the-supreme-court-heard-in-october-2026/>
 4. Supreme Court of the United States October Term, 2026 Hearing List https://www.supremecourt.gov/oral_arguments/hearinglists/HearingList-October2026.pdf
 5. Supreme Court of the United States October Term 2026 Argument Calendar https://www.supremecourt.gov/oral_arguments/argument_calendars/MonthlyArgumentCalOctober2026.pdf
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This article is general information, not legal advice. Laws change and differ by place. For advice about your situation, contact a licensed attorney, legal aid, or your court's self-help center.

Sandra Jenkins is the Kasecraft Journalist byline for Kasecrafter Testimonials, and her portrait is digitally created. Articles are researched from public sources and drafted with AI assistance, then published automatically every Monday and Thursday. They are general information, not legal advice. Spot an error? Write to kasecraftportal@aol.com.