

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

**SUMMARY ORDER**

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING TO A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 16<sup>th</sup> day of September, two thousand twenty-six.

PRESENT:

GUIDO CALABRESI,  
SUSAN L. CARNEY,  
MYRNA PÉREZ,  
*Circuit Judges.*

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JULIO PERALTO, INDIVIDUALLY AND AS  
PARENT AND NATURAL GUARDIAN OF  
C.P.,

*Plaintiff-Appellant,*

v.

No. 25-1710

NEW YORK CITY DEPARTMENT OF  
EDUCATION, KAMAR H. SAMUELS, IN HIS  
OFFICIAL CAPACITY AS CHANCELLOR OF  
THE NEW YORK CITY DEPARTMENT OF  
EDUCATION,

*Defendants-Appellees.\**

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**FOR PLAINTIFF-APPELLANT:**

RORY J. BELLANTONI  
(David J. Markese, Jeffrey  
A. Spinner, *on the brief*),  
Liberty & Freedom Legal  
Group, Ltd., New York,  
NY.

**FOR DEFENDANTS-APPELLEES:**

AMY MCCAMPHILL (Steven  
Banks, Richard Dearing,  
Devin Slack, *on the brief*),  
Corporation Counsel of  
the City of New York,  
New York, NY.

Appeal from an order of the United States District Court for the Southern District  
of New York (Broderick, J.).

**UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED,  
AND DECREED** that the order of the district court is **AFFIRMED**.

This appeal concerns Plaintiff-Appellant Julio Peralto's request for preliminary  
injunctive relief under the Individuals with Disabilities Education Act ("IDEA"), 20  
U.S.C. § 1400 *et seq.* Peralto, individually and on behalf of his son C.P., sought an order

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\* The Clerk of Court is respectfully directed to amend the case caption as set forth above. Plaintiff filed his complaint against Melissa Aviles-Ramos in her official capacity as Chancellor of the New York City Department of Education. Kamar H. Samuels is the current Chancellor and is "automatically substituted" as a party under Federal Rule of Appellate Procedure 43(c)(2).

requiring Defendants-Appellees New York City Department of Education and its Chancellor (collectively, “DOE”) to fund tuition and related services associated with C.P.’s private-school placement at the International Institute for the Brain (“iBRAIN”). The District Court denied that request. We assume the parties’ familiarity with the remaining facts, procedural history, and issues on appeal, which we reference only as necessary to explain our decision to affirm.

### **I. Appellate Jurisdiction**

We first address our jurisdiction.

On June 26, 2025, while Peralto’s motion for a preliminary injunction remained pending, the District Court issued an order expressly stating that it “did not resolve Plaintiff’s application for a preliminary injunction” and that “[a] decision on that application will issue in due course.” App’x at 117. On July 10, Peralto nevertheless filed a notice of appeal from that order, arguing that the District Court’s delay had effectively denied preliminary relief. Five days later, on July 15, the District Court entered an order denying the preliminary injunction.

On July 29, fourteen days after that denial, Peralto filed a motion in this Court seeking to expedite appellate review. The motion expressly described the appeal as one “from the District Court’s Order denying [Peralto’s] Motion for Preliminary Injunction,”

and explained why Peralto believed the July 15 ruling was erroneous. *See id.* at 134–52.

Federal Rule of Appellate Procedure 3(c) requires a notice of appeal to designate the order appealed from. But “[c]ourts will liberally construe the requirements of Rule 3.” *Smith v. Barry*, 502 U.S. 244, 248 (1992). A document not styled as a notice of appeal may therefore serve as one if it is timely and “gives the notice required by Rule 3.” *Id.* at 248–49. “[T]he notice afforded by a document, not the litigant’s motivation in filing it, determines the document’s sufficiency as a notice of appeal.” *Id.* at 248.

We have applied that principle to filings other than formal notices of appeal. In *United States v. Outen*, for example, we construed a represented litigant’s timely letter filed directly in this Court as a notice of appeal because the filing identified the relevant party and order and made clear that appellate review was sought. *See* 286 F.3d 622, 632–33 (2d Cir. 2002). We also explained that filing the document in this Court rather than the district court was not fatal because Rule 4(d) treats a notice mistakenly filed in the court of appeals as filed in the district court on the date it was received. *See id.* at 633 & n.8.

Peralto’s July 29 motion to expedite satisfies the requirements of Rule 3. It identifies the parties, was filed within thirty days of the July 15 order, and unmistakably identifies the denial of the preliminary injunction as the ruling Peralto sought to

challenge. *See* App'x at 134–52. We therefore construe the July 29 motion as a timely notice of appeal from the July 15 order and have jurisdiction under 28 U.S.C. § 1292(a)(1).

Because that filing independently establishes our jurisdiction, we need not decide whether the District Court's earlier delay itself had the practical effect of denying preliminary relief.

## **II. Preliminary Injunction**

We review the denial of preliminary injunctive relief under the IDEA's stay-put provision for abuse of discretion, reviewing legal conclusions *de novo* and factual findings for clear error. *See Mendez v. Banks*, 65 F.4th 56, 62 (2d Cir. 2023).

The IDEA's stay-put provision generally requires that, while IDEA proceedings remain pending, “the child shall remain in the then-current educational placement of the child.” 20 U.S.C. § 1415(j). We have described that protection as “in effect, an automatic preliminary injunction” because it substitutes an “absolute rule in favor of the status quo” for the ordinary preliminary-injunction analysis as to educational placement. *See Zvi D. ex rel. Shirley D. v. Ambach*, 694 F.2d 904, 906 (2d Cir. 1982).

That automatic protection, however, does not create an automatic entitlement to payment. In *Mendez*, we held that the stay-put provision “does not create an entitlement to immediate payment or reimbursement.” 65 F.4th at 63. A parent seeking payment-

related preliminary relief must instead show “that a delay or failure to pay has jeopardized their child’s educational placement.” *Id.* Our recent decision in *Juca v. Banks*, No. 25-2327, 2026 WL 2435596 (2d Cir. Aug. 20, 2026), reinforces that principle. There, we explained that past nonpayment, “without more,” does not sustain a stay-put claim once the relevant school year has ended; rather, the parent must make the “rare ‘showing’” that the earlier nonpayment “has jeopardized” the child’s current placement. *Id.* at \*4 (quoting *Mendez*, 65 F.4th at 63).

That showing is absent here. When the District Court ruled, C.P. remained enrolled at iBRAIN and DOE had already paid substantial sums toward his tuition and nursing services. And the record contains no evidence that iBRAIN has threatened to remove C.P., that his nursing services have ceased or are threatened with termination, or that his transportation provider has stopped or threatened to stop serving him. *See App’x at 92; Peralto v. N.Y.C. Dep’t of Educ.*, No. 25-CV-1118 (VSB), 2025 WL 1934473, at \*2–3 (S.D.N.Y. July 15, 2025). The District Court therefore did not abuse its discretion in concluding that DOE’s alleged nonpayment has not jeopardized C.P.’s placement.

Nothing presented at oral argument alters that conclusion. Peralto’s counsel confirmed that iBRAIN has not threatened to remove C.P. because of the unpaid amounts and identified no evidence in the District Court record that DOE’s alleged nonpayment

has put C.P.'s placement at risk. *See* Oral Arg. at 7:40–7:48, 9:58–10:32. On this record, *Mendez* forecloses the preliminary payment relief Peralto seeks.

The District Court likewise did not abuse its discretion in denying relief under the traditional preliminary-injunction standard. “A showing of irreparable harm is ‘the single most important prerequisite for the issuance of a preliminary injunction.’” *Faiveley Transp. Malmö AB v. Wabtec Corp.*, 559 F.3d 110, 118 (2d Cir. 2009) (quoting *Rodriguez v. DeBuono*, 175 F.3d 227, 234 (2d Cir. 1999)). Nothing in the record shows that the absence of preliminary relief has threatened C.P.'s placement or services. *See Mendez*, 65 F.4th at 63–64.

### **III. Conclusion**

We have considered Peralto's remaining arguments and conclude that they are without merit. Accordingly, we **AFFIRM** the order of the District Court.

FOR THE COURT:  
Catherine O'Hagan Wolfe, Clerk of Court