

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals
for the Seventh Circuit
Chicago, Illinois 60604

Argued May 11, 2026

Decided June 18, 2026

Before

ILANA DIAMOND ROVNER, *Circuit Judge*

DIANE S. SYKES, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

No. 25-1695

SOMA GETTY PRIDDLE,
Petitioner,

Petition for Review of an Order
of the Department of Labor.

v.

No. 2023-0037

UNITED STATES DEPARTMENT OF LABOR
and ADMINISTRATIVE REVIEW BOARD,
Respondents,

and

UNITED AIRLINES, INC.,
Intervening Respondent.

ORDER

Soma Priddle worked for three decades as a pilot for United Airlines. In 2018 she began training to fly the Boeing 777, a high-capacity, long-haul aircraft. But the training regimen revealed numerous deficiencies in her fundamental piloting skills, so United suspended the training and referred Priddle for an examination of her fitness for duty.

Priddle filed a complaint with the Occupational Safety and Health Administration (“OSHA”) accusing United of retaliating against her for reporting two maintenance-related safety issues years earlier. OSHA dismissed the retaliation complaint as unfounded, and both an administrative law judge (“ALJ”) and the Administrative Review Board in the Department of Labor affirmed. Priddle then sought judicial review of the Board’s adverse ruling, arguing that the Supreme Court’s recent decision in *SEC v. Jarkesy*, 603 U.S. 109 (2024), entitles her to a jury trial. We have our doubts about that argument, but we don’t need to reach it: Priddle’s petition for review is untimely, and to the extent that an equitable exception is available and might excuse her untimely filing, she hasn’t established a basis for it. We thus dismiss the petition for review.

Priddle’s career as a United Airlines pilot began in 1989. For three decades she flew small and midsize aircraft, but in the summer of 2018, United offered her the opportunity to become certified to fly the Boeing 777. During the training flights, the line check airmen (i.e., skilled pilots) assigned to supervise Priddle noted serious problems with her performance. For starters, Priddle was struggling to progress in her training; a typical Boeing 777 training regimen involves six live or simulated flights, but even after ten flights, she failed to complete the required training. Even more worrisome, Priddle seemed to lack the skills necessary to safely pilot *any* flight: She was unable to recall basic emergency procedures, her aggressive braking caused the plane’s brakes to smoke, and she struggled with situational awareness and time management. United thus suspended Priddle’s training, and because her performance suggested a possible cognitive or psychiatric impairment, the airline referred her for an examination of her fitness for duty. In the months that followed, Priddle objected to United’s chosen psychiatrist and insisted that her preferred physician be permitted to perform the examination. United refused, so rather than complete the examination, Priddle took unpaid leave and eventually retired.

Priddle filed a complaint with OSHA under the whistleblower-protection provision of the Wendell H. Ford Aviation and Investment Reform Act for the 21st Century (“AIR 21 Act”), which prohibits air carriers from firing or taking other adverse action against an employee who reports a “violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to aviation safety.” 49 U.S.C. § 42121(a)(1). Priddle claimed that United’s fitness-for-duty referral violated the AIR 21 Act’s prohibition on retaliation. Years earlier she had reported two maintenance-related safety failures to United and the FAA. Priddle maintained that she had satisfied all objective criteria in her

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Boeing 777 training and that United's referral for a cognitive examination was unjustified and retaliatory.

OSHA disagreed and dismissed the retaliation complaint for lack of evidentiary support. Priddle objected, but an ALJ in the Department of Labor concluded that her complaint was both time-barred and meritless. The Administrative Review Board affirmed, explaining that Priddle filed her OSHA complaint at least two weeks after the AIR 21 Act's 90-day filing deadline had expired. *Id.* § 42121(b)(1). The Board issued its final order on February 21, 2025.

Priddle, who is a lawyer as well as a pilot, petitioned for judicial review of the Board's order. Key here, our clerk of court received Priddle's petition on April 23, or 61 days after the Board issued its order. That's one day too late: the AIR 21 Act provides that an airline employee's petition for review must be filed "not later than 60 days after the date" of the agency's "final order." *Id.* § 42121(b)(4). To be timely, Priddle's petition for review must have been filed no later than 60 days after February 21—that is, April 22. Because the clerk's office received the petition a day later (on April 23), the agency urges us to dismiss it as untimely.

Priddle acknowledges that the clerk's office didn't receive her petition until April 23; she argues in her reply brief that we should treat her petition as timely. She attached a declaration asserting that she visited the Seventh Circuit clerk's office on April 14 (about a week before the due date) and planned to file her petition in person. She asserts that the clerk's office wouldn't accept her filing and instead told her that because she is a lawyer, she must file her petition electronically or by mail. *See* FED. R. APP. P. 25(a)(2)(A)(i) ("For a paper not filed electronically, filing may be accomplished by mail addressed to the clerk ..."); 7TH CIR. R. 25 ("All documents must be filed and served electronically" unless "submitted by unrepresented litigants *who are not themselves lawyers.*" (emphasis added)). She further claims that because of "[p]revious commitments," she was unable to mail her petition for review until April 17, when she sent it via certified mail from the post office in Winnetka, Illinois—about 25 miles north of Chicago—so she had "every confidence" that it would arrive at the clerk's office on time.

It did not. And the consequences of the delayed mailing are clear: A "filing is not timely unless the clerk receives the papers within the time fixed for filing." FED. R. APP. P. 25(a)(2)(A)(i); *see id.* R. 20 (clarifying that Rule 25 "appl[ies] to the review or enforcement of an agency order"). Applying that straightforward rule here, Priddle's petition for review is untimely.

Priddle resists this conclusion on several fronts. First, she argues that the 60-day filing deadline in the AIR 21 Act is not jurisdictional. That's an open question. *Cf. Bowles v. Russell*, 551 U.S. 205, 214 (2007) ("[T]he timely filing of a notice of appeal in a civil case is a jurisdictional requirement."). *But see Riley v. Bondi*, 145 S. Ct. 2190, 2203 (2025) (holding that the analogous 30-day filing rule in the Immigration and Nationality Act is not jurisdictional). But this case doesn't require us to decide whether the filing deadline affects our jurisdiction. Even if it's not jurisdictional, Priddle has not established a basis for any recognized equitable exception to timely filing.

"Generally, a litigant seeking equitable tolling bears the burden of establishing two elements: (1) that he has been pursuing his rights diligently, and (2) that some extraordinary circumstance stood in his way." *Pace v. DiGuglielmo*, 544 U.S. 408, 418 (2005). Priddle learned on April 14 that she needed to file her petition either electronically or by mail. On April 17—three days later and five days before the statutory deadline—she mailed her petition for review. Even if that counts as reasonable diligence in this situation, no "extraordinary circumstance" beyond Priddle's control prevented her from timely filing her petition.

Next, Priddle points to Rule 25(a)(4), which forbids the clerk to "refuse to accept for filing any paper presented for that purpose solely because it is not presented in proper form." But the problem with Priddle's attempt to file in person wasn't one of form; it was one of *method*. No rule requires the clerk to accept any paper for filing regardless of the method by which a litigant tries to file it.

Priddle asserts that she "acted in good faith" and tried to file her petition for review on time. Maybe so, but "good faith" is not a basis for excusing untimely filings—at least not without more. *See Marquez v. Mineta*, 424 F.3d 539, 541 (7th Cir. 2005) (listing "good faith" as one of *many* factors relevant to establishing "good cause or excusable neglect" (quotation omitted)). Regardless, Rule 26(b)(2) prohibits us from extending the time to file a petition for review of an agency order "unless specifically authorized by law." Priddle has identified no law that "specifically authorize[s]" us to excuse her untimely filing.

Finally, Priddle contends that the agency waived its untimeliness argument by omitting the issue from its motions seeking extensions of time to file its brief and the certified list of documents in the administrative record. Relatedly, she insists that we excused her untimely petition by accepting her opening brief. These arguments are nonstarters: The agency raised its untimeliness argument at the first available

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opportunity, and we did not excuse Priddle's untimely petition by accepting her opening brief for filing.

Accordingly, regardless of the jurisdictional status of the AIR 21 Act's filing deadline, we must dismiss Priddle's petition for review as untimely. The agency has properly invoked the time-bar, and to the extent that equitable tolling is available, Priddle doesn't qualify.

PETITION DISMISSED