NO. 21-6709

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In the Supreme Court of The United States

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Suran Wije, PETITIONER

v.

United States of America, RESPONDENT

* * *

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT, NO. 20-50070

* * *

PETITION FOR REHEARING

* * *

March 19, 2022

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Unrepresented or Pro Se Litigant

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PREAMBLE

Petitioner, Suran Wije, completed a Master of Business Administration (MBA) degree at his beloved alma mater, the Texas Woman's University (TWU.edu), in the first year of a two-year program (Exhibit 12)[1]. Raised in a family of all boys—but as a new uncle to four biracial nieces—petitioner then began gender and women's studies coursework for the remaining year. Upon experiencing an acrimonious political litmus test (Ex. G and Z #2, ROA.20-50070.206), exam grading fraud (Ex. 3, 4, and 5), and grade point sanctions for participating in a federal Fulbright finalist award ceremony[1], petitioner entered into an unsuccessful internal appeals process that took approximately 1.5 years to conclude (Ex. 1).

The external appeals process with respondent to stop a deprivation of constitutional rights and public sector corruption was also ineffective (Ex. 2). Due to ongoing retaliation lasting some 11 years now, petitioner can show all the credit hours with "A's" for an expensive master's degree in Women's Studies on his official university transcripts and a crushing six-figures of student loan debt owed to respondent—but still no degree! It must be noted that despite a decade of operations, the Women's Studies department at TWU.edu had never awarded a master's degree to a male of color like petitioner, who had hoped to be its first. Therefore, this petition for rehearing is in the service of his alma mater and restricted to "other substantial grounds not previously presented" as admonished by the Supreme Court of the United States (SCOTUS) under Rule 44.2.

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[1] Exhibit 12, **Svj1.com/twu/Exhibit12_WorkProducts.htm** . Subsequent exhibits may not be directly hyperlinked, but some may be found at the following Uniform Resource Locator (URL), **Svj1.com/twu/**, and the official court record.

Different Question: Must a student join a university department's political ideology or party for fair grading assessments and to obtain a degree?

I. PETITION FOR REHEARING

A. *Bivens* Claim Elements Properly Stated – "The elements of a *Bivens* claim [*Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics* (403 U.S. 388, 1971)] are the same elements as an analogous 42 U.S.C. § 1983 claim except that a federal actor is required instead of a state actor" (*Bieneman v. Chicago*, 864 F.2d 463, 469 (7th Cir. 1988). The mechanism by which our U.S. Constitution's guaranteed rights like due process of law and equal protection under the law are enforced is through 42 U.S.C. § 1983, which allows state officials (or federal under *Bivens*) to be sued in their individual capacity (state/federal government not suable person), *Brandon v. Holt*, 469 U.S. 464 (1985). To prove the elements of a *Bivens* claim, a plaintiff or petitioner must establish that

(a) the defendant or respondent violated a federal constitutional right of the plaintiff;

(b) the right was clearly established (and not excused by qualified immunity);

(c) the defendant was a federal actor by virtue of acting under color of federal law; and

(d) the defendant was personally involved in the alleged violation (*Patterson v. United States*, 999 F. Supp. 2d 300).

Respondent, the United States (U.S.), collectively refers to federal actors, investigators, and leaders at the Office for Civil Rights (OCR) and elsewhere within the United States Department of Education's (USDE) operations management leadership team. Petitioner's federal constitutional rights violated by respondent are numerous: race

with sex discrimination in school segregation (Civil Rights Act of 1964 (Title VI)), ongoing retaliation with bankruptcy nondischargeable debt, and Fifth Amendment violations including no due process or equal protection.

Any reasonable federal official would understand that deliberate indifference to nearly 10 years of school segregation (*Bolling v. Sharpe*, 347 U.S. 497 (1954)) and approximately 90 years of sex discrimination at publicly funded TWU.edu, (*Davis v. Passman*, 442 U.S. 228 (1979)) would violate these clearly established constitutional rights as well as the equal protection element of the Fifth Amendment's due process clause (*Adarand Constructors, Inc. v. Pena,* 515 U.S. 200, 214–18 (1995)) for the constitutionally treasonous[2] betrayal of ongoing retaliation (ROA.20-50070.201-4, Exhibit J: Retaliation Unenforced) with bankruptcy nondischargeable debt. Respondent is employed by the federal government (ROA.20-50070.199-200, Exhibit I: 40+ Files Accessed and Investigator Agreement on Retaliation) to enforce constitutional rights, hence, they acted under the color of federal law, since they engaged in federal action. Lastly, respondent was personally involved, because it gathered facts, processed documents (ROA.20-50070.199-200, Exhibit I), and mysteriously called petitioner—without even an appointment—(ROA.20-50070.207, Exhibit Z: 1st Affidavit. #6 Inculpatory Evidence) but only after petitioner's lawsuit was imminent or filed.

Accordingly, the underlined elements above—sustained by the documentary

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[2] All civil rights laws fall apart when retaliation is ignored, because Americans become too afraid to come forward (Exhibit J: Anti-Retaliation Warning, **https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201304.html**). During the over eleven-year course of this ordeal, that is exactly what actually occurred (please see the Facebook.com communication at the end of Exhibit J, p. E38, ROA.20-50070.204, **http://svj1.com/petition/ExhibitJ.htm**). Also related, ROA.20-50070.192-6, Exhibit G: Feminists Politicizing Education, **http://svj1.com/petition/ExhibitG.pdf** and ROA.20-50070.206, Exhibit Z: 1st Affidavit, #2 Current Climate, **https://www.amazon.com/Red-Pill-Cassie-Jaye/dp/B06XGXFCZX/** .

evidence of numerous exhibits and directly linked to the legal injuries of federally protected rights—cogently indicate the intent necessary for a prima facie *Bivens* claim in respondent's individual capacity (ROA.20-50070.70-4, First Amended Complaint, #6 - #8 *and* ROA.20-50070.161-5, Background in Second Amended Complaint, #1 - #3).

B. Immunity Cabined But Very Restrictedly – Similar SCOTUS case precedents—like *Bolling* (for race) and *Davis* (for sex)—defeat the doctrine of qualified immunity (*Hoyt v. Cooks*, 672 F.3d 972, 977 (11th Cir. 2012)), which shields federal agents from liability (*Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982)). Qualified immunity may also be overcome by citing a "broader, clearly established principle [that] should control the novel facts in [a] situation." *Mercado v. City of Orlando*, 407 F.3d 1152, 1159 (11th Cir. 2005) as well as by showing that an "official's conduct 'was so far beyond the hazy border between excessive and acceptable force [or the aforementioned pattern-or-practice of deliberate indifference spanning generations] that [the official] had to know he was violating the Constitution even without caselaw on point.'" *Priester v. City of Riviera Beach*, 208 F.3d 919, 926 (11th Cir. 2000) (alteration in original) (quoting *Smith v. Mattox*, 127 F.3d 1416, 1419 (11th Cir. 1997) (per curiam)). Most recently, this Court ruled that immunity may be waived for a "constitutional question beyond debate" (*Rivas-Villegas v. Cortesluna* (20-1539) (*per curiam*), citing "*White [v. Pauly]*, 580 U.S., at ___ (slip op., at 6) (alterations and internal quotation marks omitted)").

II. REASONS FOR HEARING

A. Students Face Political Litmus Tests – Normally, students taking a government class would not be forced to disclose their political memberships, and pupils taking a religious studies class would not have to disclose their beliefs or faith practices. Yet, in a *Psychology of Women* graduate-level course, a professor demanded to know if students were feminists with course participation points hanging in the balance (Ex. G and Z). Due to the divisiveness and the potential for tribal animosities, however, one question that

cannot be asked during jury selection is political party affiliation. Sadly, we are no longer *E Pluribus Unum* in some public classrooms across the United States.

B. Federal Fulbright Finalist Retaliation – Although petitioner informed a professor in advance that he was invited by TWU.edu to attend its federal Fulbright finalist ceremony as an award recipient, and the professor made no objections at that time, petitioner was disheartened to discover later at the end of the semester that he received grade point deductions unlike other Fulbright finalist student attendees. Despite over 1.5 years of internal appeals, not one faculty member at TWU.edu reversed this reprisal.

C. Millions in Public Funds Misused – Some faculty involved in this matter (1) gave themselves pay raises, (2) put their names on University buildings, (3) bestowed upon themselves the University's highest honor (Ex. 13), (4) inducted themselves into the Texas Women's Hall of Fame (Ex. 14), and (5) over the 11 years of petitioner's tribulation, siphoned an underestimated $10 million or more in total compensation from student taxpayers' federal financial aid coffers!

D. Financial Aid Debt Nondischargeable – Consequently, a frightening new precedent has been established in U.S. higher education where a student can take all the graded credit hours for a college degree; pay all the expensive tuition plus fees; stay up late until 3 a.m. writing term papers and earning "A's" in all the courses (except one with grading fraud); and amass six-figures in toxic, bankruptcy nondischargeable, student loan debt; nonetheless, the student can still be told by the unaccountably discriminating and retaliating university that s/he is "not a good fit" to get that degree s/he had already earned—rightfully—by any objective standard.

III. CONCLUSION

For the reasons set forth in this petition, Suran Wije respectfully requests that this Honorable Court grant a rehearing and his petition for a writ of certiorari.

Respectfully submitted, Suran Wije

/s/ Suran Wije March 19, 2022
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CERTIFICATE OF COUNSEL

I hereby certify that this petition for rehearing is presented in good faith and not for delay; furthermore, it is restricted to "other substantial grounds not previously presented" as admonished by the Supreme Court of the United States Rule 44.2.

Respectfully submitted, Suran Wije

/s/ Suran Wije, Pro Se March 19, 2022
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PROOF OF SERVICE

I, Suran Wije, do swear or declare that on this date, March 19, 2022, I have served this petition for rehearing on each party or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Elizabeth B. Prelogar, Solicitor General
United States Department of Justice 950
Pennsylvania Avenue, NW
Washington, DC 20530-0001

Clerk, Supreme Court of the United States
1 First Street, NE
Washington, DC 20543

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 19, 2022 Signature