

No. 22-6260

SUPREME COURT OF THE UNITED STATES

Paula W. Williams, Petitioner

Vs.

Conduent Human Services, LLC, Respondent

In Opposition to the Petition for Writ of Certiorari

Seeking Review of a Judgment of
the Seventh Circuit Court of Appeals

Brief in Opposition

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QUESTIONS PRESENTED FOR REVIEW¹

Whether certiorari should be granted where the applicable Circuit Rule requires an appellant to pay the docketing fee within fourteen days of docketing, the failure of which may result in the dismissal of the appeal; Petitioner was ordered to pay the required docketing fee within fourteen days of May 27, 2022; and Petitioner was cautioned that the failure to do so could result in the dismissal of her appeal; yet, she still failed to submit the requisite payment.

¹ Respondent objects to the consideration of all questions presented by Petitioner in her Petition, as those issues/questions were not subject of and presented in the underlying appeal.

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Fed. R.Civ. P.60(b)	vi, vii, 2
<p>Rule 60— Relief From Judgment or Order</p> <p>(b) Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud, etc. On motion and upon such terms as are just, the court may relieve a party or a party's legal representative from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under <u>Rule 59(b)</u>; (3) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application; or (6) any other reason justifying relief from the operation of the judgment.</p>	
7th Cir. Rule 3(b)	2
<p>Rule 3(b) Dismissal of Appeal for Failure to Pay Docketing Fee. If a proceeding is docketed without prepayment of the docketing fee, the appellant shall pay the fee within 14 days after docketing. If the appellant fails to do so, the clerk is authorized to dismiss the appeal.</p>	
Fed. R.Civ. P.12(b)(3).....	vi

CORPORATE DISCLOSURE STATEMENT

Conduent Human Services, LLC is a wholly owned subsidiary of Conduent State & Local Solutions, Inc. Conduent State & Local Solutions, Inc. is a wholly owned subsidiary of Conduent Business Services, LLC. Conduent Business Services, LLC is a wholly owned subsidiary of Conduent Incorporated. Conduent Incorporated is a publicly traded company that has no parent corporation, nor is there any parent company that owns 10% or more of its stock.

RELATED CASES

United States District Court, Northern District of Indiana
3:19-cv-01061-DRL-MGG
Williams v. Conduent Human Services, LLC
Judgment Entered: June 17, 2020

On November 19, 2019, Petitioner filed a pro-se Complaint against Respondent in the United States District Court, Northern District of Indiana, Case No. 3:19-cv-01061-DRL-MGG. Respondent responded by filing a Motion to Compel Arbitration and Dismiss, and on June 17, 2020, the District Court entered Judgment dismissing Petitioner's case without prejudice under Fed. R.Civ. P.12(b)(3).

Petitioner subsequently initiated arbitration, and that proceeding was dismissed with prejudice on December 14, 2021.

Following the dismissal of her case, Petitioner also filed various pleadings, seeking miscellaneous relief, with the District Court. All such requests, including her request for an extension of time to file a notice of appeal and for relief under Fed. R. Civ. P.60(b)(6), were denied.

On January 6, 2022, Petitioner filed a Notice of Appeal, and that appeal was docketed with the Seventh Circuit Court of Appeals as Case No. 22-1027.

Seventh Circuit Court of Appeals
22-1027
Paula Williams v. Conduent Human Services LLC
Judgment Entered: December 2, 2021

The District Court denied the Petitioner's request to proceed in forma pauperis in Case No. 22-1027, and she appealed that ruling by filing a separate appeal with the Seventh Circuit Court of Appeals (Case No. 22-1226).

***Seventh Circuit Court of Appeals
22-1226
Paula Williams v. Conduent Human Services LLC
Judgment Entered: January 13, 2022***

Petitioner filed a third appeal (Case No. 22-1376), contesting the District Court's denial of her motions for an extension of time to file a notice of appeal and for relief under Rule 60(b)(6). That appeal was dismissed due to Petitioner's failure to submit the requisite docketing fee. It is that appeal/dismissal that is now subject of Petitioner's Petition for Writ of Certiorari.

***Seventh Circuit Court of Appeals
22-1376
Paula Williams v. Conduent Human Services LLC
Judgment Entered: February 9, 2022***

CITATION OF DECISIONS BELOW

The opinion of the Seventh Circuit Court of Appeals dismissing Petitioner's appeal and the opinion of the United States District Court are both unpublished.

STATEMENT OF THE CASE

On March 10, 2022, Petitioner filed the underlying appeal with the Seventh Circuit Court of Appeals. On March 11, 2022, the appellate Court issued an Order noting that the appeal was timely only as to a portion of the district court's February 9, 2022 order, denying appellant Paula Williams's Rule 60(b) motion. Accordingly, the Court ordered Petitioner to file a "brief memorandum stating why this appeal should not be LIMITED to a review of the portion of the district court's February 9, 2022 order, denying the Rule 60(b) motion."

The Petitioner submitted the requested briefing, and the Respondent thereafter filed a response. On May 10, 2022, the appellate court issued another Order, stating that the appeal was "LIMITED to a review of that portion of the district court's February 9, 2022 order, denying appellant Paula Williams's Rule 60(b) motion" and nothing that the appeal "as LIMITED by this order, shall proceed to a determination of appellant's fee status on appeal."

On May 12, 2022, Petitioner filed a Motion to Proceed In Forma Pauperis with the Seventh Circuit, and on May 27, 2022, the Court denied that Motion, recognizing that Petitioner had not "made a potentially meritorious argument that the district court erred in denying her motion for relief pursuant to Federal Rule of Civil Procedure 60(b)" and requiring her to pay the required docketing fee within 14 days," or else her appeal would be dismissed for failure to prosecute pursuant to Circuit Rule 3(b).

Petitioner failed to timely make that payment, and on June 22, 2022, her appeal was dismissed. The Seventh Circuit issued a mandate that same day.

REASONS FOR DENYING THE PETITION

By way of Petitioner's current petition for writ of certiorari, she seeks review of the Seventh Circuit's dismissal of her appeal due to her failure to pay the requisite filing fee. Petitioner's Motion to Proceed In Forma Pauperis was denied by the Seventh Circuit, and thus, she was required to pay the Seventh Circuit docketing fee. Petitioner failed to do so, even after being warned that her failure to make such a payment could result in the dismissal of her appeal.

Petitioner has not offered any compelling reason for review of the dismissal of her appeal. She has not pointed to (and there is not) any conflict in appellate court decisions, there is no federal question at issue, and there is no departure from the accepted and usual course of judicial proceedings.

CONCLUSION

Petitioner's request for review does not meet any of the criteria governing review on certiorari, and she has not offered any other basis justifying review of the Seventh Circuit's dismissal of her appeal. Accordingly, Petitioner's request should be denied with all costs taxed to her.

Filed on the 9th day of January 2023, by:

/s/ Stephen L. Scott

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Counsel for Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT ON THIS 9TH DAY OF JANUARY 2023, I ELECTRONICALLY FILED THE FOREGOING WITH THE CLERK OF THE COURT FOR THE UNITED STATES SUPREME COURT. I FURTHER CERTIFY THAT ON THIS DAY, I SENT TO THIS COURT ONE COPY OF THE FOREGOING VIA PERSONAL HAND DELIVERY SERVICE. I FURTHER CERTIFY THAT, AS REQUIRED BY SUP. CT. R. 29(3), I SERVED ONE COPY OF THE FOREGOING VIA U.S. MAIL UPON:

PAULA W. WILLIAMS
2022 ROGER STREET
SOUTH BEND, IN 46628

/s/ Stephen L. Scott
STEPHEN L. SCOTT