11/4/23

No. 23-782

In The

SUPREME COURT of the UNITED STATES

Kent T. Warren, *Petitioner*

vs.

U.S. Department of Education/United States of America , *Respondents*

On PETITION for a WRIT of CERTIORARI to UNITED STATES COURT of APPEALS for the 10th CIRCUIT

PETITION for WRIT of CERTIORARI

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QUESTION(S) PRESENTED

December 2016, the day before Christmas Eve, the petitioner received a correspondence from U.S. Department of Education stating payment on his student loans is due in full, and a few months later, the Department of Justice sends the petitioner a letter stating my correspondence to the Secretary of Education described decades of discrimination- to date no payment has been made on the defaulted loans due.

Is the U.S. Department of Education lawfully permitted to mandate payment on student loans taken by a student when non-discriminatory conditions for federal financial assistance have not been met?

LIST of PARTIES

All parties appear in the caption of the case on the cover page.

Respondent(s)

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RELATED CASES

No related cases according to petitioner or respondents (as of Brief of Appellee, United States Dept. of Education No. 22-3252).

In The

SUPREME COURT of the UNITED STATES PETITION for WRIT of CERTIORARI

Petitioner respectfully requests that a writ of certiorari issue to review the judgment below:

OPINIONS BELOW

The opinion of the United States court of appeals appears at Appendix A to the petition and is unpublished (to petitioner's knowledge).

The opinion of the United States district court appears at Appendix B to the petition and is unpublished (to petitioner's knowledge).

JURISDICTION

For cases from federal courts:

The date on which the United States Court of Appeals for the 10th circuit decided my case wasAugust 7, 2023. No petition for rehearing was timely filed in my case.

The date on which the United States District Court for the District of Kansas decided my case on October 24, 2022.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1)- Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods: (1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;

CONSTITUTIONAL and STATUTORY PROVISIONS INVOLVED

34 C.F.R. 100 et seq.

34 C.F.R. §668.71 (b) (2006)

F.R. 77345, Vol. 69, No. 247 5 U.S.C. §706 (2)(A)

42 U.S.C. §2000d, Title VI of the Civil Rights Act of 1964

20 U.S.C. §1414 (b)(3)(A)(iii)

Appendix A, F.R. 77377 through 77384 Vol. 69 No. 247, issued in 2004

8 U.S.C. §1182(a) (5)(A)

8 C.F.R., §214.2 (h)(4)(iii)(C)(4)

8 U.S.C. 1101(a)(3)

Title VII of the Civil Rights Act of 1964

U.S. Const. amend. 14 §1-equal protection clause Const. amend. 14 §1-citizen clause

STATEMENT of the CASE

In December of 2016, the U.S. Department of Education notified, by letter, the petitioner, born in the United States, the balance on defaulted student loans taken while in attendance at University of Arizona-Tucson, Northern Arizona UniversityFlagstaff, Northern Arizona University- Yuma, Western Governors University-Utah, was due in full, plus interest. Petitioner listed numerous different Code(s) of Federal Regulations. No confirmation of attainment of work and/or life experience as degree equivalencies are present on the transcripts provided in the initial complaint. Petitioner accumulated enough work experience to meet criteria for an undergraduate degree in special education and a Ph.D in elementary education- with approximately decades of professional development needed to create a non-biased context for assessment. Petitioner, admittedly, incorrectly applied for several loan discharges with the Department of Education, and then borrower defense applications spanning from early 2017 through about 2020. In Spring/Summer of 2017, the Department of Justice replies, after petitioner contacts the Secretary of Education- providing nearly identical information as in the borrower defense and/or loan discharge applications, and states the petitioner described decades of discrimination- little to no other information was provided in the letter. February 7, 2019, petitioner reviews information in F.R. 77345, Vol. 69, No. 247. In November of 2021, petitioner files a complaint under the Administrative Procedure Act in the United States District Court for the

District of Kansas citing the student loans taken were not in accordance with law, 5 U.S.C. §706 (2)(A), [5] specifically, 42 U.S.C. §2000d, national origin discrimination and 20 U.S.C. §1414 (b)(3)(A)(iii) and payment by petitioner should not be made. The petitioner illustrates arbitrary conditions based on national origin and how an alien is permitted access to professions using work experience while one born in the United States is not- relying on 8 U.S.C. §1182(a) (5)(A), 8 C.F.R., §214.2 (h)(4)(iii)(C)(4), and 8 U.S.C. 1101(a)(3). The petitioner states the defaulted student loans are void. The defense relies on the Kansas Act Against Discrimination, citizenship status as the petitioner's argument, *Espinoza v. Farah Mfg. Co.*, 414 U.S. 86, 95 (1973), Title VII of the Civil Rights Act of 1964. The Court affirms the Department's final agency decisions denying petitioner's applications for discharge of his student loans. On December 22, 2022, petitioner files opening brief in the Court of Appeals, 10th Circuit relying on *Perry v. Sindermann* 408 U.S. 593, 597 (1971), U.S. Const. amend. 14 §1- equal protection clause, *Graham v. Richardson* 403 U.S. 365, 371 (1971), 42 U.S.C. § 2000d, 8 U.S.C.§1182(a) (5)(A), Appendix A, F.R. 77377 through 77384 Vol. 69 No. 247, 2004. The defense focuses on loan discharge, borrower defense applications, and the petitioner's discrimination claim as without merit. The court of appeals states this is at least the fifth case in which the petitioner has filed with regards to discrimination while seeking to obtain teaching license. The 10th Circuit continues and claims the petitioner effectively abandoned his

complaint and states the petitioner has not shown the Department's final actions to be arbitrary, capricious, or contrary to law, and affirm the district court's decision upholding the Department's September 6, 2018, and October 6, 2020, denials of his requests for discharge.

REASONS for GRANTING the PETITION

The United States court of appeals for the 10th Circuit has entered a decision... sanctioning a departure from the accepted and usual course of judicial proceedings by a lower court, as to call for this Court's Supervisory power.

Although pro se, the petitioner, is not the only individual to gain expertise via work and/or life experience. The petitioner knows this case can only pertain to him and his context; however, since 1995, 8 U.S.C. §1182(a) (5)(A) has permitted aliens to gain access to professions via work experience while United States Citizens, whether born within the United States or not, cannot access the same. Ultimately, the discrimination violates discrimination laws thus voiding the conditions in which federal financial assistance can be issued. This context provides no child with disabilities, diagnosed or not, the ability to gain access to a valid and reliable assessment illustrated in 20 U.S.C. §1414 (b)(3)(A)(iii). If the Universities receiving federal financial assistance began to hold lawful boundaries and provide their students access to either U.S. Const. amend. 14 §1- Equal protection clause-citizenship status or 42 U.S.C. §2000d-national origin, it would tale an approximate 25 years to rectify the context so a teacher may perform professional obligations required which includes protection from psychological harm. Discrimination laws and modes of expertise (knowledge, skills, experience, training and education) provide an

aspect to the foundation for a non-biased context which in professional summation are non-arbitrary conditions- without these teachers cannot hold a viable degree. The decisions from the previous courts and defenses are not in line with several precedents and illustrate the conditions in which educational decisions can be entitled judicial review; Here, the defense and District Court completely replaced the petitioner's argument in the initial brief with one to suit their needs. Furthermore, the defense incorrectly relied on Kansas Act Against Discrimination, citizenship status, *Espinoza v. Farah Mfg. Co.*, 414 U.S. 86, 95 (1973), Title VII of the Civil Rights Act of 1964, and these arguments were reinforced by the District and Appeals courts. Petitioner did not take loans from Universities residing in Kansas (only one University was influenced by Kansas law), "The term "national origin"... refers to the country where a person was born..." *Espinoza v. Farah Mfg. Co.*,] 414 U.S. 86, 88 (1973), not citizenship status, Title VI (42 U.S.C. § 2000d) has a host of rules in the Code of Federal regulations for post-secondary education facilities, 34 C.F.R.100 et seq., Title VII none; and, "[t]he term "alien" means any person not a citizen or national of the United States" 8 U.S.C. 1101(a)(3) while a citizen of the United States means, according to U.S. Const. amend. 14 §1, "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States". Alien automatically includes nation of birth in the laws illustrated immediately before. Voided loans cannot be discharged, voided loans cannot be defensed,

voided coursework cannot be consumed. The petitioner's concessions to admit the discharges and defenses of the loans involved should not have been filed are solely because the context voids them- and taken out of context by the 10th Circuit. The definition of national origin discrimination is on both the Department of Justice's and Department of Education's website- and the petitioner's argument meets a valid argument for the defining criteria. These "hearings" have been completely taken out of context lacking impartiality- in essence a sham, and a sham hearing cannot be considered due process of law. It takes little or no effort to confirm the petitioner's employment history, whether or not the Universities held a hearing to restrict a fundamental liberty, whether or not there is disparate treatment; it is impossible for the defense to have a legal argument allowing aliens to consume work experience and not U.S. Citizens- 34 C.F.R.§ 100.5(g)-" A recipient may not take action that is calculated to bring about indirectly what this regulation forbids it to accomplish directly"; this includes statutes of limitations, the student initiating the hearing (at least one receiving financial assistance), jurisdiction, res judicata or the like.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted, /s/ Kent T. Warren

Dated: 11/1/2023