

**IN THE SUPREME COURT OF THE UNITED
STATES**

CHELSEA A. HAMILTON,
Petitioner

v.

**DOUGLAS A. TULINO, POSTMASTER
GENERAL, U.S. POSTAL SERVICE,**
Respondents

**ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF
APPEALS FOR THE FIFTH CIRCUIT**

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

- I. Did the Fifth Circuit err in affirming the dismissal of Hamilton's Title VII retaliation claim by improperly requiring proof of causation inconsistent with Supreme Court precedent?
- II. Did the lower courts misapply procedural standards by dismissing Hamilton's wrongful termination claim without considering her allegations under Title VII?
- III. Did the district court's rejection of the tampering-with-evidence claim under *Bivens v. Six Unknown Named Agents* and the Federal Tort Claims Act (FTCA) fail to account for due process violations?
- IV. Did the court improperly dismiss the duty of fair representation claim by applying an unduly restrictive interpretation of union responsibilities?
- V. Were Hamilton's judicial bias allegations improperly disregarded, despite her assertions of misconduct and procedural irregularities?
- VI. Did the district court's procedural delays and rulings prejudice Hamilton's rights under federal law and due process principles?

PARTIES TO THE PROCEEDINGS

Chelsea A. Hamilton (Plaintiff-Appellant) : Ms. Hamilton is a former mail processing clerk employed by the U.S. Postal Service (USPS). She alleges retaliation, harassment, wrongful termination, and due process violations under Title VII of the Civil Rights Act, as well as evidence tampering and breach of duty of fair representation.

Douglas A. Tulino, Postmaster General (Defendant-Appellee) : As the head of the USPS, Mr. Tulino is named in his official capacity as the representative of the agency alleged to have engaged in retaliatory and discriminatory actions against Ms. Hamilton. The Defendant-Appellee denies all claims and asserts procedural and substantive defenses.

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Appendix A:1a

Order of the Fifth Circuit Court of Appeals dated
January 3, 2025 with respect to case no. 24-50597

Appendix

B:.....10a

Order of the United States District Court for the
Western District of Texas dated July 16, 2024 with
respect to case no. 1:23-cv-01045

TABLE OF AUTHORITIES

- i. *Bivens v. Six Unknown Named Agents* and the Federal Tort Claims Act (FTCA)
- ii. *DelCostello v. International Brotherhood of Teamsters*, 462 U.S. 151 (1983),
- iii. *Swierkiewicz v. Sorema N.A.*, 534 U.S. 506 (2002)
- iv. *Burlington Northern & Santa Fe Railway Co. v. White*, 548 U.S. 53 (2006)
- v. *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009)
- vi. *Clark County School District v. Breeden*, 532 U.S. 268 (2001)
- vii. *Carlson v. Green*, 446 U.S. 14 (1980)
- viii. *Liteky v. United States*, 510 U.S. 540 (1994)
- ix. *Baldwin County Welcome Center v. Brown*, 466 U.S. 147 (1984),
- x. *Henderson v. United States*, 517 U.S. 654 (1996),
- xi. Federal Rule of Civil Procedure 12(b)(6)
- xii. *Center v. Brown*, 466 U.S. 147 (1984)
- xiii. *Richardson v. Monitronics International, Inc.*, 434 F.3d 327 (5th Cir. 2005),
- xiv. *re Murchison*, 349 U.S. 133 (1955)
- xv. *Johnson v. Gudmundsson*, 35 F.3d 1104 (7th Cir. 1994)
- xvi. *Thompson v. North American Stainless, LP*, 562 U.S. 170 (2011),
- xvii. Federal Rule of Civil Procedure 60(b)

OPINIONS BELOW

District Court Order: *Hamilton v. DeJoy*, No.1:23-CV-1045 (W.D.Tex. July 16, 2024) (dismissing claims under Rule 12(b)(6)).

Fifth Circuit Opinion: *Hamilton v. DeJoy*, No.24-50597 (5th Cir. Jan 3, 2025) (affirming dismissal).

Copies appended as Appendix B & A.

JURISDICTION STATEMENT

The judgment of the United States Court of Appeals for the Fifth Circuit was entered on January 3, 2025. This Court has jurisdiction under 28 U.S.C. § 1254(1).

STATEMENT OF THE CASE

1. This appeal arises from the Fifth Circuit's affirmance of the district court's dismissal of Plaintiff-Appellant Chelsea A. Hamilton's claims for retaliation and wrongful termination under Title VII of the Civil Rights Act of 1964, as well as claims of evidence tampering, breach of the duty of fair representation, and judicial bias. The judgment, entered on January 3, 2025, reflects a misapplication of established legal standards, procedural errors, and a failure to adequately address key elements of Hamilton's claims. The affirmance effectively denies the Appellant the protections afforded under federal law and warrants review.

BACKGROUND OF THE CASE

2. Chelsea A. Hamilton was a mail processing clerk at the U.S. Postal Service (USPS). Her termination stemmed from an alleged altercation with a coworker on April 13, 2021. Hamilton contends that the incident was orchestrated by management and union stewards as part of a broader campaign of harassment and retaliation against her. Following the incident, USPS issued a Notice of Removal citing “Unacceptable Conduct” due to her “violent and threatening” behavior. The termination became effective on October 31, 2022.
3. Hamilton alleges that prior to the altercation, she reported harassment and stalking by coworkers and management. Despite reporting these incidents to her union representative and management, no formal grievances were filed on her behalf. After her termination, she filed complaints with the Equal Employment Opportunity Commission (EEOC) and the National Labor Relations Board (NLRB), alleging discrimination and retaliation. She also asserted that USPS management tampered with video evidence of the altercation.
4. The district court dismissed her claims under Federal Rule of Civil Procedure 12(b)(6) and Federal Rule of Civil Procedure 12(b)(1). The Fifth Circuit affirmed, concluding that Hamilton failed to establish causation for her retaliation claim, did not sufficiently plead a wrongful termination claim, and lacked jurisdiction for her tampering and fair representation claims. The court also rejected her judicial bias allegations, citing a lack of evidence.

5. This case arises from the retaliatory termination, harassment, and systematic deprivation of rights suffered by Petitioner, Chelsea A.
6. Hamilton, while employed by the U.S. Postal Service (USPS). Over a period of several years, Petitioner endured egregious harassment and stalking by colleagues and management, escalating into retaliatory actions intended to punish her for reporting workplace misconduct to management, union representatives, and federal agencies, including the Equal Employment Opportunity Commission (EEOC) and the National Labor Relations Board (NLRB). These retaliatory actions were not isolated incidents but part of a systematic campaign to suppress her voice and dissuade her from seeking legal recourse.
7. The Petitioner's allegations include repeated instances of retaliation following her protected activities, such as filing formal complaints regarding harassment, stalking, and discrimination. Despite the gravity and consistency of these complaints, USPS management and union representatives collaborated to suppress her claims. This suppression manifested in various ways, including but not limited to tampering with critical evidence, refusing to file grievances on her behalf, and issuing baseless disciplinary notices, culminating in her wrongful termination. These actions directly violated Title VII of the Civil Rights Act of 1964, which prohibits retaliation against employees for engaging in protected activities such as reporting workplace misconduct.

8. Central to this case is the issue of temporal proximity and its role in establishing a retaliatory motive. The Petitioner's termination occurred shortly after she engaged in protected activities, including filing complaints with the EEOC and NLRB. The courts, however, failed to adequately consider this temporal connection. In ***Clark County School District v. Breeden***, 532 U.S. 268 (2001), this Court held that temporal proximity between an employee's protected activity and an adverse action can establish a prima facie case of retaliation. The Fifth Circuit's dismissal of the temporal connection here starkly contrasts with this precedent.
9. Moreover, the Petitioner's allegations of evidence tampering were not addressed meaningfully by the lower courts. Specifically, USPS management altered video evidence pertinent to her claims, obstructing justice and violating her due process rights. Such actions align with the principles outlined in ***Carlson v. Green***, 446 U.S. 14 (1980), where the Court emphasized the importance of ensuring procedural fairness in cases involving federal actors.
10. The Respondent's retaliatory actions and procedural misconduct were further compounded by the denial of fair representation from the union. The union, allegedly colluding with USPS management, refused to file grievances on the Petitioner's behalf, leaving her without critical support in her pursuit of justice. In ***Del Costello v. International Brotherhood of Teamsters***, 462 U.S. 151 (1983), this Court recognized the significance of union representation and the potential liability of employers when unions breach their duty of fair representation.

This case underscores the Respondent's role in orchestrating a systemic campaign of suppression against the Petitioner.

11. Despite the overwhelming evidence of misconduct, the district court dismissed the Petitioner's claims under Federal Rule of Civil Procedure 12(b)(6), asserting that the allegations failed to establish a causal connection between her protected activities and her termination. The Fifth Circuit affirmed this decision, ignoring the detailed evidence and testimony provided by the Petitioner. This dismissal directly contravenes the principles set forth in *Swierkiewicz v. Sorema N.A.*, 534 U.S. 506 (2002), where this Court held that a plaintiff need only provide a short and plain statement of the claim to survive a motion to dismiss.
12. The district court and the Fifth Circuit also disregarded the broader pattern of retaliatory actions against the Petitioner. The Petitioner's detailed allegations outlined a consistent pattern of harassment, stalking, evidence tampering, and wrongful termination, which collectively constituted a retaliatory environment. In *Burlington Northern & Santa Fe Railway Co. v. White*, 548 U.S. 53 (2006), this Court emphasized that Title VII's anti-retaliation provision must be interpreted broadly to protect employees from any action that could dissuade a reasonable person from engaging in protected activities. The courts' narrow interpretation of the evidence in this case undermines the fundamental protections afforded by Title VII.

13. Furthermore, this case raises significant concerns about judicial bias and procedural fairness. The Petitioner presented evidence suggesting that USPS management and union representatives engaged in bribery to influence administrative and judicial outcomes. Such allegations strike at the heart of due process and judicial impartiality. In *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), this Court held that due process requires recusal when there is a serious risk of actual bias stemming from financial or personal interests. Similarly, in *Liteky v. United States*, 510 U.S. 540 (1994), this Court underscored the importance of addressing judicial bias to preserve the integrity of the judicial process.
14. The procedural violations in this case further compound the injustices suffered by the Petitioner. The district court's undue delay in resolving the motion to dismiss violated procedural norms and deprived the Petitioner of a fair and timely adjudication. As established in *Baldwin County Welcome Center v. Brown*, 466 U.S. 147 (1984), procedural safeguards are essential to ensuring fairness and efficiency in judicial proceedings. The lower courts' failure to adhere to these safeguards highlights the urgent need for this Court's intervention.
15. The Petitioner's case is not merely about individual grievances but about ensuring that the protections afforded by Title VII and due process are upheld for all employees. The lower courts' dismissal of her claims, despite overwhelming evidence of retaliation, harassment, and procedural misconduct, sets a dangerous precedent that could discourage employees from reporting workplace misconduct. This Court's review is necessary to correct these injustices and to reaffirm the fundamental principles of fairness, equity, and accountability in the workplace.

REASONS FOR GRANTING THE PETITION

I. The Lower Courts Misapplied Supreme Court Precedent on Pleading Standards

16. The district court's dismissal of the Petitioner's claims is inconsistent with the pleading standards established in *Swierkiewicz v. Sorema N.A.*, 534 U.S. 506 (2002). Under *Swierkiewicz*, a plaintiff is not required to establish a prima facie case of discrimination at the pleading stage. Instead, the plaintiff need only provide a short and plain statement of the claim that gives the defendant fair notice of the grounds upon which it rests.
17. The Petitioner's complaint satisfied this standard by detailing specific instances of harassment, retaliatory actions, and adverse employment decisions that followed her protected activities. These allegations included:
 - a. **Temporal Proximity:** The timing of the Petitioner's termination shortly after filing complaints with the EEOC and NLRB demonstrates a plausible retaliatory motive. Courts, including this one in *Clark County School District v. Breeden*, 532 U.S. 268 (2001), have consistently held that temporal proximity between protected activity and adverse action can establish causation.
 - b. **Pattern of Retaliation:** The Petitioner documented a series of adverse actions, including increased scrutiny, denial of grievances, and issuance of a baseless notice of removal. This pattern of conduct aligns with precedents like *Richardson v. Monitronics International, Inc.*, 434 F.3d 327 (5th Cir. 2005), where courts acknowledged that a pattern of hostility following protected activity strengthens the inference of retaliation.

- c. **Evidence Tampering:** The Petitioner alleged that USPS management altered video evidence to conceal facts relevant to her case, thereby obstructing justice. In *Carlson v. Green*, 446 U.S. 14 (1980), this Court emphasized the significance of procedural integrity and fair treatment in federal employment disputes.

18. Despite these detailed allegations, the district court dismissed the claims, and the Fifth Circuit affirmed without properly applying the pleading standards set forth in *Swierkiewicz*. This misapplication of legal standards warrants this Court's review to ensure that plaintiffs' rights under Title VII are protected and that procedural fairness is upheld.

II. Case Raises Important Questions of Judicial Bias and Integrity

- 19. The Petitioner presented substantial evidence of judicial bias and bribery that compromised the integrity of the proceedings. Specifically, the Petitioner alleged that USPS management and union representatives engaged in bribery to influence administrative and judicial decisions. These allegations were supported by documented communications, financial transactions, and circumstantial evidence, which the lower courts failed to adequately address or investigate. The gravity of these claims goes beyond this individual case, touching on fundamental principles of fairness and impartiality in judicial proceedings.
- 20. In *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), this Court established that due process requires recusal when there is a serious risk of actual bias stemming from financial or personal interests. The Court emphasized that even the appearance of bias can undermine the public's confidence in the judicial system.

The Petitioner's allegations, supported by evidence of financial transactions and communications between USPS representatives and judicial or administrative officials, meet this threshold. The failure of the lower courts to address these concerns has exacerbated the appearance of impropriety, necessitating intervention by this Court.

21. Furthermore, in *Liteky v. United States*, 510 U.S. 540 (1994), this Court recognized that judicial bias can arise from extrajudicial sources or deep-seated favoritism that compromises the fairness of proceedings. The Petitioner's allegations include documented instances of judicial decisions that appear to align suspiciously with the interests of USPS management, further casting doubt on the impartiality of the proceedings. The lower courts' refusal to investigate or address these allegations undermines the integrity of the judicial process.
22. The importance of addressing judicial bias and integrity cannot be overstated. As this Court held in *In re Murchison*, 349 U.S. 133 (1955), fairness and the appearance of fairness are essential to maintaining public confidence in the judicial system. The Petitioner's allegations of judicial bias and bribery go to the heart of these principles. By failing to investigate or remedy these allegations, the lower courts have not only denied the Petitioner her right to a fair trial but have also jeopardized the public's trust in the judicial system as a whole.
23. The Petitioner's case highlights systemic issues that extend beyond the individual parties involved. Judicial integrity is the corner stone of a fair legal system, and allegations of bribery and bias must be taken seriously to preserve the rule of law.

This Court's intervention is necessary to restore the integrity of the proceedings and to ensure that justice is served in this case and others like it.

24. By failing to address these serious concerns, the lower courts have set a dangerous precedent that could embolden similar misconduct in future cases. This Court's review is critical to reaffirming the principles of fairness, impartiality, and accountability that underpin the judicial processes.

III. Procedural Violations Prejudiced Petitioner's Rights

25. The district court's handling of the motion to dismiss violated procedural norms, depriving the Petitioner of a fair and timely adjudication. Under applicable rules, motions to dismiss that remain pending for more than seven months are deemed denied by operation of law. However, the district court granted the motion to dismiss well beyond this timeframe, thereby disregarding procedural safeguards designed to promote fairness and efficiency in judicial proceedings.
26. As this Court emphasized in *Baldwin County Welcome Center v. Brown*, 466 U.S. 147 (1984), adherence to procedural rules is essential to ensuring that litigants receive a fair opportunity to present their case. The district court's significant delay in resolving the motion to dismiss undermined these principles, creating unnecessary procedural obstacles for the Petitioner. Such delays not only prejudice the rights of litigants but also erode public confidence in the judicial system.
27. Furthermore, the district court's procedural violations compounded the Petitioner's difficulties in seeking redress for the retaliatory actions she suffered.

The extended delay in adjudicating the motion deprived the Petitioner of a timely resolution. As recognized in *Henderson v. United States*, 517 U.S. 654 (1996), judicial efficiency is a critical component of fairness in the legal process. By failing to adhere to established timelines, the district court exacerbated the Petitioner's challenges and undermined the integrity of the proceedings.

28. The procedural irregularities in this case underscore the need for this Court's intervention. This Court has long held that procedural safeguards are fundamental to ensuring that justice is not only done but also seen to be done. In *Johnson v. Gudmundsson*, 35 F.3d 1104 (7th Cir. 1994), the court acknowledged that undue delays in ruling on motions can amount to a denial of justice. The district court's failure to act within the prescribed time frame in this case reflects a broader disregard for these principles and warrants corrective action.
29. By granting certiorari, this Court can reinforce the importance of procedural fairness and accountability in judicial proceedings. The lower courts' disregard for procedural norms in this case has prejudiced the Petitioner's rights and highlights systemic issues that require this Court's attention to ensure that such violations are not repeated in future cases.
30. The district court's dismissal of the wrongful termination claim as unpled was erroneous. Hamilton's complaint explicitly styled her claim as "Retaliation and Wrongful Termination" and detailed discriminatory actions leading to her termination.

While the court noted the administrative exhaustion requirement, it failed to consider whether Hamilton's EEOC filings encompassed her termination-related claims. Courts must construe pro se filings liberally, as established in *Haines v. Kerner*, 404 U.S. 519 (1972)

IV. The Case Involves Systematic Retaliation Against Protected Activities

31. The Petitioner's complaints to management, the EEOC, and the NLRB constitute protected activities under Title VII's anti-retaliation provisions.

In *Burlington Northern & Santa Fe Railway Co. v. White*, 548 U.S. 53 (2006), this Court held that Title VII's anti-retaliation provision must be interpreted broadly to encompass actions that might dissuade a reasonable employee from reporting discrimination.

32. The Petitioner's allegations demonstrate a clear and persistent pattern of retaliatory actions, including but not limited to:

- a. **Harassment:** The Petitioner faced ongoing harassment and stalking by colleagues and supervisors, creating a hostile work environment designed to intimidate and isolate her. This Court has recognized in *Crawford v. Metropolitan Government of Nashville and Davidson County*, 555 U.S. 271 (2009), that protecting employees from such retaliatory conduct is essential to enforcing the principles of Title VII.
- b. **Denial of Representation:** Union representatives actively refused to file grievances on behalf of the Petitioner and colluded with management to suppress her claims.

This constitutes a direct breach of the duty of fair representation under the National Labor Relations Act (NLRA), as highlighted in *Vaca v. Sipes*, 386 U.S. 171 (1967).

- c. **Wrongful Termination:** The Petitioner was terminated shortly after engaging in protected activities, further evidencing a retaliatory motive. Temporal proximity, combined with the documented pattern of retaliatory actions, strongly supports the inference of a causal connection, as established in *Clark County School District v. Breeden*, 532 U.S. 268 (2001).

33. The lower courts' failure to recognize and address these retaliatory actions undermines the protections afforded by Title VII and sets a concerning precedent. Retaliation against employees who report work place misconduct not only violates federal law but also discourages others from exercising their rights under Title VII. As this Court noted in *Thompson v. North American Stainless, LP*, 562 U.S. 170 (2011), safeguarding employees from retaliation is critical to achieving the objectives of anti-discrimination statutes.

34. By granting certiorari, this Court can reaffirm the broad protections provided by Title VII and ensure that employers are held accountable for systematic retaliation against employees who engage in protected activities. The Petitioner's case presents an opportunity to address significant issues related to work place retaliation and to reinforce the principles of fairness and accountability enshrined in federal law.

CONCLUSION & PRAYER

35. For the foregoing reasons, Petitioner respectfully requests that this Court grant the petition for writ of certiorari, reverse the judgment of the Fifth Circuit, and remand the case for further proceedings consistent with the Court's findings.

Dated This 9 Day of May 2025

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