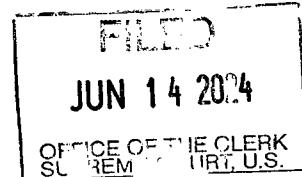


No. 24-5367

ORIGINAL



IN THE

SUPREME COURT OF THE UNITED STATES

KHADIJAH A. MUHAMMAD KEBE- PETITIONER

vs.

WASHINGTON TOWNSHIP PUBLIC SCHOOLS, ET AL, - RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS THIRD CIRCUIT COURT

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

KHADIJAH A. MUHAMMAD KEBE

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QUESTION(S) PRESENTED

1. Whether the lack of provision of legal aid to pro se litigants in civil cases violates the equal protection rights guaranteed by the Fourteenth Amendment, given that criminal defendants are provided with legal counsel regardless of guilt.
2. Whether the current system, which fails to offer legal aid or guidance to employees facing civil litigation against employers, unjustly disadvantages employees and allows for systemic abuse and violation of employment laws.
3. Whether the refusal by courts to grant in-person or virtual hearing requests made by pro se litigants, while similar requests made by attorneys are granted, violates the equal protection rights of pro se litigants under the Fourteenth Amendment.
4. Whether pro se litigants in civil cases should have equal legal rights and access to present a case before judicial courts, comparable to those provided in criminal cases, and whether pro se litigants should be guaranteed the right to receive basic legal counsel either pro bono or on a sliding fee scale based on income upon request.

LIST OF PARTIES

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

All parties **do not** appear in the caption of the case on the cover page. A list of all parties the proceeding in the court whose judgment is the subject of this petition as follows:

WASHINGTON TOWNSHIP PUBLIC SCHOOLS

WASHINGTON TOWNSHIP BOARD OF EDUCATION

RELATED CASES

- KHADIJAH A. MUAMMAD KEBE v. WASHINGTON TOWNSHIP PUBLIC SCHOOLS, et al. No. 23-1366 UNITED STATE OF APPEALS THIRD CIRCUIT COURT
- KHADIJAH A. MUHAMMAD KEBE v. WASHINGTON TOWNSHIP PUBLIC SCHOOLS et al. NO. 1:22-cv-01217-CPO-EAP US DISTRICT COURT, DISTRICT OF NEW JERSEY, CAMDEN NEW JERSEY. JUDGMENT ENTERED 04/17/2024

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JURISDICTION

- Judgment for this case was last heard by the United States Court of Appeals Third Circuit court. Entered 4.17.2024

STATEMENT OF THE CASE

In the Supreme Court of the United States

Case No. 23-1366

**Khadijah A. Muhammad Kebe,
Petitioner,**

vs.

**Washington Township Board of Education, Washington Township Public Schools,
Respondent.**

PETITION FOR WRIT OF CERTIORARI

To the Honorable Justices of the Supreme Court of the United States:

The petitioner respectfully prays that a writ of certiorari issue to review the judgment of the United States Court of Appeals third circuit entered in the above-entitled proceeding.

STATEMENT OF THE CASE

In the United States, individuals charged with a crime are guaranteed the right to legal counsel regardless of guilt. This constitutional protection ensures that every defendant can navigate the complexities of the criminal justice system. However, in civil matters, particularly employment-related cases, similar protections are glaringly absent.

This disparity creates significant injustice, especially for employees who face legal challenges against employers. Employers often have the advantage of legal counsel, provided through insurance or other means, to guide them and protect their interests regardless of the merits of the case. This legal representation helps employers avoid penalties, perjury, and admissions of guilt. In stark contrast, employees must navigate the legal system without such support, facing a significant imbalance in resources and understanding.

As a pro se litigant pursuing a civil case against an employer, I encountered numerous obstacles that underscored this imbalance. Despite my efforts to seek legal aid, including reaching out to legal aid offices and requesting pro bono representation or a payment plan, my requests were consistently denied on the basis that my issues were civil matters. Consequently, I was left to bear the burden of proof without any legal assistance or guidance.

The complexity of legal procedures and the burden placed on pro se litigants to provide legally sufficient evidence often result in meritorious cases being dismissed due to procedural errors rather than a lack of substantive justice. My own experience reflects this reality; after receiving

minimal support from a college professor, I better understood the legal presentation required for my case. Despite this, my updated petition for review by the U.S. Courts of Appeals was denied.

The existing system fails to offer equitable access to justice for civil litigants, particularly employees challenging their employers. This lack of support perpetuates violations of employment laws and contributes to significant emotional and financial harm to employees in this country. The current model incentivizes attorneys to pursue class action lawsuits, which are more financially rewarding, rather than individual civil cases that are challenging to prove.

The petitioner, Khadijah A. Muhammad Kebe, was the only African American and Muslim teacher hired at Washington Township High School. During the petitioner's tenure, significant incidents of retaliation and harassment were experienced, primarily perpetrated by the Human Resources Department. The petitioner was subjected to disparate treatment compared to white counterparts who were also hired, leading to substantial mental and emotional trauma.

Despite seeking help from school leadership and being awarded back pay as a partial acknowledgment of the mistreatment, the Human Resources Department continued and intensified their harassment. No corrective actions were taken to enforce equitable treatment or to compel an apology, further exacerbating the petitioner's distress and ultimately forcing a resignation due to fear of continued discrimination.

Efforts to seek legal redress were initially hampered by the petitioner's lack of legal expertise, resulting in unsuccessful attempts to prove the case in court. When the petitioner eventually submitted a well-founded petition, the judges refused to review it, citing procedural issues rather than addressing the substantive claims. This denial of a fair hearing underscores a systemic failure to protect the petitioner's rights and highlights the punitive nature of the current legal process towards pro se litigants who lack formal legal training.

REASONS FOR GRANTING THE PETITION

- 1. Equal Protection Violation:** The stark difference in the provision of legal aid between criminal and civil cases raises significant equal protection concerns. The constitutional guarantee of legal counsel in criminal cases recognizes the inherent complexities and potential injustices faced by unrepresented defendants. The same recognition should extend to civil cases, particularly those involving employment disputes, where the imbalance of power and resources between employers and employees is pronounced.
- 2. Equal Protection Violation in Hearing Requests:** The refusal by courts to grant in-person or virtual hearing requests made by pro se litigants, while similar requests made by attorneys are granted, raises significant equal protection concerns under the Fourteenth Amendment. This disparate treatment undermines the principle of fairness and equal access to justice, disadvantageous to pro se litigants who are already at a significant disadvantage due to their lack of legal representation and expertise.

3. **Systemic Injustice in Employment Law:** Employment laws are designed to protect employees from unfair practices, but these protections are rendered ineffective if employees cannot access legal assistance to enforce their rights. The current system disproportionately favors employers, who can afford legal representation, over employees who often cannot. This disparity results in continued violations of employment laws and undermines the fundamental principles of justice and fairness.
4. **Practical Implications and Need for Reform:** Providing legal aid to pro se litigants in civil cases would ensure more equitable access to justice and promote fairer outcomes. My experience illustrates the transformative impact of even minimal legal guidance. Systematic support for pro se litigants would not only improve individual case outcomes but also enhance the overall integrity of the judicial system by ensuring that all parties have a fair opportunity to present their cases.
5. **Right to Legal Counsel in Civil Cases:** The significant imbalance in legal representation between criminal and civil cases is a profound issue. In criminal cases, defendants are guaranteed the right to counsel to ensure a fair trial, as recognized in *Gideon v. Wainwright*. This same principle should extend to civil cases, particularly those involving employment discriminatory disputes, where the lack of legal representation for employees creates a severe power imbalance and often results in injustice.
6. **Access to Justice for Pro Se Litigants:** Ensuring that pro se litigants in civil cases have access to basic legal counsel, either pro bono or on a sliding fee scale based on income, is essential for maintaining the integrity of the judicial system. The current system disproportionately favors those with financial means, allowing employers and other well-represented parties to navigate the legal system effectively while leaving pro se litigants at a severe disadvantage. This inequity undermines public confidence in the fairness of the judicial system.
7. **Systemic Injustice and Employment Law Violations:** The absence of legal support for pro se litigants in civil cases perpetuates systemic injustices, particularly in employment law. Employees often lack the resources and legal knowledge to effectively challenge unlawful practices by employers, leading to continued violations of employment laws and significant and even fatal harm to employees. Ensuring access to legal counsel for pro se litigants would promote greater compliance with employment laws and protect the rights of employees.
8. **Judicial Efficiency and Fairness:** Providing legal counsel to pro se litigants in civil cases would not only promote fairness but also improve judicial efficiency. Pro se litigants, without legal guidance, often make procedural errors that lead to delays and increased workload for the courts. Access to legal counsel would help streamline the litigation process, ensuring that cases are presented clearly and efficiently, benefiting both the courts and all parties involved.
9. **Precedent and Principles of Justice:** The Supreme Court has recognized the importance of legal representation in various contexts, as seen in cases such as *Lassiter v. Department of Social Services* and *Turner v. Rogers*. These cases highlight the Court's acknowledgment of the critical role that legal representation plays in ensuring justice. Extending these principles to civil cases involving pro se litigants is a logical and necessary step to uphold the fundamental values of fairness and equality before the law.

To support the argument presented in the petition, several relevant cases can be cited that highlight the importance of legal representation in ensuring justice and fairness, as well as the application of equal protection principles under the Fourteenth Amendment.

RELATED CASES

1. **Gideon v. Wainwright, 372 U.S. 335 (1963):** This landmark case established the right to counsel for criminal defendants under the Sixth Amendment, recognizing that a fair trial cannot be guaranteed without legal representation. While this case applies directly to criminal cases, it underscores the importance of legal counsel in ensuring justice.
2. **Lassiter v. Department of Social Services, 452 U.S. 18 (1981):** In this case, the Supreme Court held that the right to appoint counsel in civil cases is determined on a case-by-case basis, depending on the interests at stake. The decision acknowledged that there are civil cases where the lack of legal representation could result in significant injustice.
3. **Turner v. Rogers, 564 U.S. 431 (2011):** This case involved the right to counsel in civil contempt proceedings. The Court emphasized the need for procedural safeguards to ensure a fair trial when the individual's liberty is at stake, indicating the importance of legal representation or its equivalent.
4. **M.L.B. v. S.L.J., 519 U.S. 102 (1996):** The Supreme Court ruled that a state cannot condition appeals from trial court decrees terminating parental rights on the affected parent's ability to pay record preparation fees. The case highlighted the principle that access to justice should not be contingent on one's financial capacity, relevant to the argument for providing legal aid in civil cases.
5. **Goldberg v. Kelly, 397 U.S. 254 (1970):** This case established the requirement for a pre-termination evidentiary hearing for welfare recipients, emphasizing the importance of procedural due process. It underscores the broader principle that legal processes should be fair and equitable, particularly for vulnerable individuals.
6. **Bounds v. Smith, 430 U.S. 817 (1977):** The Supreme Court held that the fundamental constitutional right of access to the courts requires prison authorities to assist inmates in preparing and filing legal papers by providing adequate law libraries or adequate assistance from persons trained in the law. This case supports the argument that access to legal resources or counsel is essential for ensuring justice.
7. **Johnson v. Avery, 393 U.S. 483 (1969):** This case struck down a prison regulation that prohibited inmates from assisting other prisoners with their legal papers. The Court recognized the necessity for legal assistance to ensure that prisoners could effectively access the courts, relevant to the argument for supporting pro se litigants in civil cases.
8. **Griffin v. Illinois, 351 U.S. 12 (1956):** The Court held that states must provide trial transcripts to indigent defendants for appeals, recognizing that the ability to access the legal system should not be contingent on one's financial means. This case reinforces the principle that access to justice should be equitable.

CONCLUSION

For these reasons, the petitioner respectfully requests that the Supreme Court grant this petition for a writ of certiorari, review the judgment of the lower court, and address the critical issues of equal protection and access to legal counsel for pro se litigants in civil cases. Upholding these rights is essential for maintaining a fair and just legal system for all individuals, regardless of their financial means or legal expertise. Respectfully submitted,

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