

No. 24-7464

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IN THE SUPREME COURT OF THE UNITED STATES

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SHUKEITHA JACKSON,

Petitioner,

v.

ABBVIE, INC.,

Respondent.

**ORIGINAL**

**FILED**

**JUN 07 2025**

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

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On Petition for a Writ of Certiorari to the

United States Court of Appeals

for the Seventh Circuit

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**PETITION FOR A WRIT OF CERTIORARI**

Shukeitha Jackson

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**RECEIVED**

**JUN 18 2025**

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

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Pro Se Petitioner

## **QUESTIONS PRESENTED**

I. Whether a pro se litigant with documented severe mental illness is entitled to appointed counsel in a civil rights employment matter under Title VII when their disability hinders their ability to represent themselves.

II. Whether a federal court may lawfully dismiss a subsequent Title VII claim based on a second EEOC right-to-sue letter involving different retaliatory acts, by treating it as duplicative of a prior charge without allowing the plaintiff to clarify distinctions or amend the pleadings.

III. Whether equitable tolling should apply when a disabled plaintiff continued to engage in the administrative process in good faith, misunderstood deadlines due to mental illness, and was not permitted to amend or clarify her claims before dismissal with prejudice.

IV. Whether a district court abuses its discretion and denies meaningful access to justice under the Due Process Clause and 28 U.S.C. § 1915(e)(1) when it refuses to appoint counsel for a mentally ill, indigent pro se plaintiff pursuing a Title VII civil rights claim, where the complexity of the case and the plaintiff's condition render self-representation impossible.

## **LIST OF PARTIES**

Petitioner: Shukeitha Jackson, a former employee of AbbVie Inc., appearing pro se.

Respondent: AbbVie Inc., a pharmaceutical company headquartered in North Chicago, Illinois.

## **RELATED PROCEEDINGS**

### **I. Jackson v. AbbVie Inc., No. 23-cv-03747**

United States District Court for the Northern District of Illinois

Judgment entered: June 13, 2024

### **II. Jackson v. AbbVie Inc., No. 24-2311**

United States Court of Appeals for the Seventh Circuit

Judgment entered: March 10, 2025

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- 42 U.S.C. § 1981

- Fifth and Fourteenth Amendments to the U.S. Constitution (Due Process Clause)

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## **OPINIONS BELOW**

The decision of the United States Court of Appeals for the Seventh Circuit is unpublished but available at:

Jackson v. AbbVie, Inc., No. 24-2311, decided February 13, 2025.

The opinion of the U.S. District Court for the Northern District of Illinois is also unpublished.

Jackson v. AbbVie Inc., No. 23-cv-03747, was dismissed with prejudice.

## **JURISDICTION**

The Court of Appeals entered judgment on March 10, 2025. This Court has jurisdiction under 28 U.S.C. § 1254(1). Petitioner respectfully seeks review of a final judgment which implicates significant federal questions concerning access to courts, civil rights, and accommodations for litigants with disabilities.

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

- Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq.
- Civil Rights Act of 1866, 42 U.S.C. § 1981
- Fifth and Fourteenth Amendments to the U.S. Constitution (Due Process Clause)
- Supreme Court Rule 10(c)

## STATEMENT OF CASE

Petitioner Shukeitha Jackson respectfully seeks review of the Seventh Circuit's judgment affirming dismissal of her Title VII civil rights complaint against her former employer, AbbVie, Inc., despite her submission of two separate EEOC right-to-sue letters addressing distinct retaliatory incidents. Ms. Jackson suffers from a documented mental illness that substantially impairs her ability to represent herself in litigation. Despite her explicit request for appointed counsel under 28 U.S.C. § 1915(e)(1), the district court denied assistance, declined to allow her to clarify the nature of the retaliation claims, and dismissed her case with prejudice.

This case presents fundamental questions about access to justice, the legal standard for duplicative claims under Title VII when a second EEOC charge is issued, and the rights of pro se litigants with mental disabilities to obtain meaningful court access. The decision below conflicts with several circuits' interpretations of equitable tolling, second EEOC charge permissibility, and obligations of courts to protect litigants with disabilities under federal law and constitutional due process. The Seventh Circuit's rigid approach places it in direct conflict with the flexible, disability-sensitive standards adopted by the First, Third, and Eighth Circuits, warranting resolution by this Court under Rule 10(c).

## **Statement of Facts**

Petitioner Shukeitha Jackson is a former employee of AbbVie Inc., a pharmaceutical company headquartered in Illinois. During her employment, Ms. Jackson engaged in protected activity under Title VII by reporting workplace discrimination and retaliation. She alleges that, following these protected actions, she experienced multiple retaliatory incidents—including denial of promotional opportunities and, ultimately, termination of employment.

Ms. Jackson suffers from a documented and serious mental health condition that significantly impairs her ability to manage complex legal matters. Despite this, she proceeded pro se through the EEOC and federal court processes.

On September 6, 2022, the Equal Employment Opportunity Commission (EEOC) issued a right-to-sue letter in response to her initial complaint regarding discriminatory and retaliatory acts. On September 21, 2022, Petitioner received a response to her FOIA request from the EEOC, which indicated that her case remains open and that no Notice of Right to Sue has been issued. This response cited FOIA Exemption (b)(7)(A), which allows withholding information that could interfere with ongoing enforcement proceedings. The response further confirmed procedural inconsistencies in the handling of Petitioner's claims, highlighting administrative errors that have hindered her ability to manage deadlines and comprehend the legal processes. Petitioner also discovered that the charge had been cross-filed with the Illinois Department of Human Rights (IDHR) under charge

number 2019CF3213. After filing suit, she continued to experience distinct and independent retaliatory actions, prompting a second EEOC complaint. The EEOC issued a second right-to-sue letter on June 10, 2023, which formed the basis of a subsequent Title VII action filed by Petitioner. Following, the EEOC issued another right to sue on October 10, 2023. This instance was implicated after the discovery of erroneous error.

Petitioner requested appointment of counsel under 28 U.S.C. § 1915(e)(1), supported by medical documentation of her mental illness. The district court denied her request, and later dismissed her second complaint with prejudice, holding it was duplicative of the first. At no stage was Petitioner given an opportunity to amend or clarify how the second complaint addressed distinct claims arising after the first EEOC filing.

Following, Petitioner subsequently discovered that the appellate docket included a panel memorandum or explanation relating to the denial of rehearing that was not provided to her by the court. As a pro se litigant without electronic case filing access, she was unaware of this ruling and was deprived of a meaningful opportunity to review or respond to the court's reasoning. The failure to serve this document raises serious due process concerns and illustrates a systemic disadvantage faced by disabled and unrepresented litigants in accessing critical appellate records.

In May 2025, Petitioner uncovered correspondence from the EEOC revealing that the original 2019 Right-to-Sue letter was backdated by approximately two weeks, an internal discrepancy acknowledged by the agency. This administrative error led the district led the district court to wrongly conclude the case was untimely.

Both the district court and the Seventh Circuit declined to apply equitable tolling or accommodate Petitioner's disability, resulting in final dismissal of her claims without full adjudication on the merits.



## **REASONS FOR GRANTING THE WRIT**

### **I. Equitable Tolling Should Apply Where Mental Illness Impeded Timely Filing and the Court Denied an Opportunity to Amend**

The EEOC's response to Petitioner's FOIA request on September 21, 2022, further emphasizes the need for equitable tolling. The denial based on Exemption (b)(7)(A) explicitly stated that the case remains open and no Notice of Right to Sue has been issued. This significant procedural error has contributed to the confusion and administrative mishandling surrounding Petitioner's claims. Such errors have compounded the barriers already faced by Petitioner due to her mental health condition, thus justifying the application of equitable tolling. This case raises a recurring and deeply consequential question: **Can a federal court summarily dismiss a Title VII complaint brought by a pro se litigant with a severe mental illness—without applying equitable tolling, without permitting amendment, and without acknowledging the unique barriers to access that disability imposes?** The Seventh Circuit answered "yes." That answer conflicts with decisions from other circuits, violates the equitable principles underlying Title VII, and warrants review.

### **II. Equitable Tolling Exists to Protect Litigants Who, Through No Fault of Their Own, Are Unable to Timely Assert Their Rights**

In *Holland v. Florida*, 560 U.S. 631 (2010), this Court emphasized that equitable tolling is a "flexible" doctrine rooted in fairness, applied where extraordinary

circumstances stood in the way of a diligent litigant. Numerous federal courts have held that **serious mental illness** can constitute such a circumstance—particularly when it directly interferes with a plaintiff’s ability to comprehend deadlines or navigate legal procedures.

In this case, **Petitioner suffered from a documented and ongoing mental health disability**—as supported by filings in the district court—yet her pleadings were judged by standards that would challenge even a trained attorney. She attempted in good faith to comply with procedures, responding to EEOC notices, filing two separate complaints tied to different acts of retaliation, and seeking appointed counsel. Instead of being allowed to clarify her claims, the court dismissed her complaint with prejudice, reasoning that her second complaint was “duplicative”—without affording any meaningful opportunity to be heard on the distinction.

### **III. Circuit Courts Are Divided on the Role Mental Disability Plays in Tolling and Dismissal**

The federal circuits are divided on how to apply equitable tolling when mental illness is involved:

- The **Third Circuit** in *Nara v. Frank*, 264 F.3d 310 (3d Cir. 2001), held that a mental illness that prevents timely filing may justify tolling.

- The **First Circuit** in *Canales v. A.H. Robins Co.*, 812 F.2d 10 (1st Cir. 1987), emphasized that when a litigant's mental condition interferes with their capacity to assert claims, equitable tolling may be warranted.
- The **Eighth Circuit** in *Schmidt v. U.S.*, 914 F.2d 119 (8th Cir. 1990), similarly recognized tolling for mental incapacity.

In contrast, the **Seventh Circuit's decision** in this case reflects a more rigid approach that fails to account for mental disability as a legitimate barrier to compliance. It treated Petitioner's disability as irrelevant to her procedural defaults, denying her both equitable tolling and the opportunity to amend.

#### **IV. The Decision Below Undermines the Purpose of Title VII and Due Process Principles**

Title VII is remedial in nature, designed to address discrimination and retaliation in the workplace. Courts are instructed to interpret its procedural requirements liberally to advance access to justice—especially for pro se claimants. Petitioner's second EEOC complaint was not duplicative; it addressed different retaliatory acts occurring months apart. The first EEOC complaint involved denial of a promotion in April 2022, whereas the second EEOC complaint addressed termination following internal complaints in August 2022. Yet her effort to present these claims was foreclosed before she could fully explain them. The refusal to allow amendment—despite her disability and pro se status—exacerbated the prejudice.

Moreover, the court's handling of this matter implicates **due process**. A litigant suffering from severe mental illness was not only denied legal assistance but also denied the opportunity to meaningfully participate in her own case. This represents a systemic denial of due process rights to disabled litigants under color of procedural enforcement

## **V. New Evidence of EEOC Backdating Warrants Relief**

Petitioner has obtained new documentation confirming that the EEOC backdated her 2019 Right-to-Sue letter. This undermines the core basis for the district court's dismissal. Under Rule 60(b)(2) and 60(b)(6), newly discovered evidence and administrative errors warrant reconsideration or vacatur of judgment. This Court should take up the question of whether agency missteps can be grounds for equitable tolling and post-judgment relief.

## **VI. Administrative Errors and Procedural Defects Compromising Due Process**

On September 21, 2022, the EEOC's denial of Petitioner's FOIA request revealed that the case remains open and no Notice of Right to Sue has been issued, despite earlier communications suggesting otherwise. The reliance on FOIA Exemption (b)(7)(A) underscores procedural flaws in the EEOC's handling of Petitioner's case. Such administrative errors significantly impaired Petitioner's ability to navigate the legal process, meet deadlines, and effectively pursue her claims. Furthermore, the cross-filing with the Illinois Department of Human Rights (IDHR) added another layer of complexity, further complicating Petitioner's access to timely and

pertinent information. These procedural defects highlight systemic due process violations requiring rectification by this Court

## CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted, considering the critical need to address significant procedural errors and administrative mishandling by the EEOC, as demonstrated by the FOIA response dated September 21, 2022 (Appendix J). This response further substantiates the need for equitable tolling and due process considerations.

If the Supreme Court determines that it cannot hear this case, Petitioner respectfully requests that the Court orders the federal court to properly handle the case, ensuring all procedural defects are addressed and equitable tolling is applied to accommodate her mental health condition. This is necessary to ensure that Petitioner's civil rights claims are fully and fairly adjudicated.

Respectfully submitted,

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Dated:

6/6/2025 