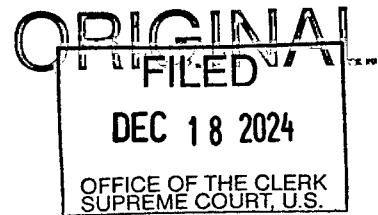


No. 24-810



IN THE SUPREME COURT OF THE UNITED STATES

PRABHJOT KAUR KANG, PETITIONER

vs.

WESTERN GOVERNORS UNIVERSITY, RESPONDENT

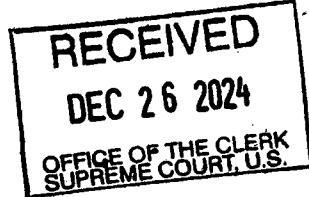
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ON PETITION FOR A WRIT OF CERTIORARI TO  
US COURT OF APPEALS FOR THE NINTH CIRCUIT

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PETITION FOR WRIT OF CERTIORARI

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## QUESTIONS PRESENTED

1. (a) Are the educational institutions allowed to cover their criminal wrongdoing against the students by labelling it as student discipline?

If so, where is the fine line separating the two definitions?

(b) Many attorneys say the courts are not supposed to second guess the behavior of the private universities if they do not receive any federal funds. Where does the court stand on this issue?

(c) Are the students of private universities considered second class citizens with bare minimum legal protections including violation of their civil and human rights?

(d) Can the decisions made by US courts against a student litigant still remain lawful even after putting his/her lawyer under duress by threatening to destroy the lawyer's career to extract concessions and playing ball with the opposing side?

2 (a) Can the US violate the civil and human rights of its citizens for the sake of extracting concessions from foreign powers by appeasing them, in the name of greater good?

(b) Do foreign born authors living under the jurisdiction of the United States constitution have full first amendment rights or are they supposed to keep their mouths shut not to offend the foreign powers because they can go after the family members of the authors?

3. Are the defendants allowed to change/reverse or disown their statements made in a lower court by using brand new attorneys in the upper courts?

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## TABLE OF AUTHORITIES

1. Teja Ravi v. United States (2024)
2. Davidson v. Board of Education of the City of Chicago (2015)
3. Regents of the University of California v. Bakke (1978)
4. Students for Fair Admissions, Inc. v. Harvard College (2023)
5. Leslie J. Reynard v. Washburn University of Topeka (2023)

## STATUTES

28 U.S.C. §1254

28 U.S.C. §1257

## PETITION FOR WRIT OF CERTIORARI

Prabhjot Kaur Kang respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Ninth Circuit in this case.

The petitioner also respectfully prays that a writ of certiorari be issued to review the judgments below.

### THE OPINIONS BELOW

**[X] For cases from federal courts:**

This court's jurisdiction is invoked under 28 U.S.C. Section 1254

The opinion of the United States court of appeals for the 9<sup>th</sup> circuit appears at Appendix A to

the petition and is

[X] reported at September 20th 2024 ORDER denying panel rehearing or rehearing en banc; or,

The opinion of the United States court of appeals for the 9<sup>th</sup> circuit appears at Appendix B to

the petition and is

[X] reported at June 3rd 2024 MEMORANDUM; or,

[X] is unpublished.

The opinion of the United States District Court for the Western District of Washington at Tacoma appears at Appendix C

To the petition and is

[X] reported at April 3<sup>rd</sup> 2023 CIVIL JUDGMENT\_\_\_\_; or,

**[X] For cases from state courts:**

**This court's jurisdiction is invoked under 28 U.S.C. Section 1257**

The opinion of the highest state court to review the merits appears at Appendix D to the petition and is

[X] reported at August 10<sup>th</sup> 2022 ORDER;

The opinion of the state court of appeals to review the merits appears at Appendix E

to the petition and is

[X] reported at March 12<sup>th</sup> 2022 Unpublished Opinion; or,

[X] is unpublished.

The decision of the state trial court appears at Appendix F

to the petition and is

[X] reported at Feb 8<sup>th</sup> 2021 Order Granting Defendants Motion for Summary Judgment; or,

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

### **Constitutional Question**

One of the issues that the denial of my case by the Court of Appeals raises, is a constitutional question. That question needs to be settled by the United States Supreme Court once and for all. There is great debate that the private universities are almost not subject to any law of the land and the complainants have if any just a bare minimum due process right. This makes the students at private universities the second-class citizens. The implication of this theory is that private universities are kind of states within states. The proponents of this theory believe that the courts are nobody to second guess the behavior of the private universities at all. This practice is

unconstitutional in my opinion. What does the court think? On the other hand, there are legal scholars that believe that the private universities who receive any amount of public funds are not and should not be immune from the courts' intervention when needed.

There is a group of legal scholars who believe that the courts can only interfere if a private university is receiving a substantial amount of public funds. This question is an open question and affects not only tens of thousands rather millions of students nationwide. There is another group of people with an extreme view that the courts have no business to interfere in the internal affairs of the private universities even when they clearly commit crimes, minor or major. In those cases what happens to human rights and civil rights of the affected students? What happens to the charter of rights? Is there a clause or amendment that only confers second-class citizenship on some citizens? And do students fall into that category?

If the students studying at the public universities are protected by the law of the land and get the full due process, then why not the students at the private universities? What happens to the equal protection under the 14<sup>th</sup> amendment of the U.S. constitution? Does the constitution allow some citizens to be treated as second class citizens not worthy of enjoying equal protection under the constitution? The highest court of our nation needs to settle this question once and for all if the constitution

allows to protect the lobbyists, and the so to speak big guns, more than the ordinary citizens.

#### **STATEMENT OF THE CASE**

##### **Substantial Public Interest**

The decision of the Court of Appeals of the 9<sup>th</sup> Circuit denying the plaintiff's petition has overlooked an issue of substantial public interest.

First of all, the court's denial has essentially given the impression that there is a law for the lobbyists and another one for the ordinary people. It proves the popular perception that in the United States there is one law for the lobbyists and the other one for the ordinary citizens with limited means. Even though the plaintiff Ms. Prabhjot K. Kang never believed in this perception. But then she might have been very naïve in her beliefs that in the United States there is an assumption of equal justice under the law. However, the push backs by various quarters have proven her wrong so far despite the merits of her case being 100% on her side which is besides the point at this stage of the game in her case.

#### **THE NINTH CIRCUIT'S AFFIRMANCE OF DISTRICT COURT'S SUMMARY JUDGMENT**

The Ninth Circuit's decision is solely based on the District Court's ruling. The Ninth Circuit was able to rule in favor of the defendant by ignoring/suppressing the evidence put forward by Ms. Kang with the reasoning that it was not disclosed on time. Ms.

Kang works and has been working full-time and so is her dad Amrik Singh Kang, who happens to be a credible eyewitness in her case. Ms. Kang has been handling her case Pro Se ever since her lawyer dropped out under pressure from the "other side" (the court can surmise who the other side could be). Pro Se individuals can be a little slow to gather the evidence and may not always know when to put that evidence forward. Throwing the otherwise admissible evidence out is more than a harsh penalty. It amounts to killing the case outright. (Fed. Rules of Civil Procedure 37(c) Advisory Committee Notes (1993).

### **REASONS FOR GRANTING THE PETITION**

#### **Question of Substantial Public Interest**

This case has set precedence and kept the doors wide open for the educational institutions including but not limited to the universities to commit obvious crimes in broad daylight and still get away with it through judicial maneuvering circumventing the truth. This precedence setting case is going to affect millions of students nationwide in the years and decades to come. There will be nothing in the way of the institutions of higher learning in the United States to defraud millions of students and not be accountable to anybody except to themselves in a self-serving manner. Private universities are already considering themselves to be above the law and there is no lack of law firms to defend the crimes of such institutions of higher learning. Even the colleges and universities receiving public funds will be emboldened by this decision of the Court of Appeals of the 9<sup>th</sup> circuit to let them do as they please and such

precedence setting case will be more than enough to provide them cover. This will be cited as a case law to defraud tens of thousands of students.

The question of Transnational Repression. Moreover, this decision is contrary to the spirit of the Transnational Repression Act of 2024 that the US Congress spent months and months to enact to protect its residents and citizens from the Transnational Repression let loose by the foreign powers, even though it has not become law yet. It does not matter if a foreign power letting loose such oppression is a friendly, not so friendly, or a complete adversarial power. The laws of our land and the charter of our rights are not or at least should not be mortgaged to the highest bidders either domestic or foreign. I had only heard stories about Banana Republics and even about some so-called democratic countries, not to speak of dictatorships practicing such policies. I had never envisioned those things in my motherland, the Land of the Free and the Home of the Brave. I have been pondering over the question of our leaders, law givers and enforcers taking the oath protecting the United States and its constitution against all enemies foreign and domestic. I hope all this is not on paper only.

## CONCLUSION

As the above elaborated issues of great public interest and an unsettled issue of the constitutionality of treating the students at private universities/colleges as second-

class citizens affect the people beyond the parties involved in this case, a review of this case by the highest court is merited.

Respectfully submitted,  
this 18<sup>th</sup> day of December 2024

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