No. 24-810

IN THE SUPREME COURT OF THE UNITED STATES

PRABHJOT KAUR KANG, PETITIONER

V.

WESTERN GOVERNORS UNIVERSITY, RESPONDENT

ON WRIT OF CERTIORARI

TO THE UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT (No. 23-35286)

# PETITION FOR REHEARING

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## ADDITIONAL QUESTION PRESENTED

Question #4. Whether the bare minimum due process afforded to students at private universities as compared to students at public universities is in violation of the equal protection clause of the 14th Amendment?

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Pursuant to Rule 44 of this court, the Petitioner hereby respectfully petitions the court for rehearing.

Before the petitioner lists the reasons for rehearing, she needs to bring in her family background directly related to this case without which it will be hard to appreciate why she filed and has been fighting this case for the last six years.

## PETITIONER'S FAMILY BACKGROUND RELATED TO THIS CASE

Prabhjot Kaur Kang was born in 1994 in Washington state, USA. She belongs to the Sikh religion. Her father Amrik Singh Kang was born in 1950 in the state of Punjab, India. He is a well-known Punjabi author/poet and a public speaker. He obtained his Bachelor of Science from the Punjab University India in 1970. From

1973 to 1977 he was a student of Mechanical Engineering in West Germany. In 1975 Indira Gandhi, the authoritarian prime Minister of India, suspended all civil liberties and imposed emergency rule in India. She threw almost the entire opposition behind bars including would be supporters of the current ruling party of India. The petitioner's father was bold enough to criticize that draconian rule imposed in his native country. He was verbally and physically attacked by agents of the Indian government that he reported to the German authorities. As a matter of protest, he renounced his Indian citizenship and became stateless. As a result, the German Authorities refused to renew his student visa and issued him an expulsion order. He filed a lawsuit as Pro Se in the German Court asking to stay the expulsion order until he finished his studies. However, the German authorities using the remnant of a law from the Third Reich sent him back to India in November of 1977 without waiting for the court decision. He continued to pursue his case Pro Se by mail in the German Court system eventually reaching the European Commission of human rights in Strasbourg, France. He was in India for over three years, became the full-time editor of a news magazine and authored two books in his native language Punjabi. During the farmers protest movement of 1980 in the state of Punjab, India he was arrested, dragged through the crops, and locked in a filthy cell for two days and two nights. When he refused to sign an agreement to keep his mouth shut and not write or speak anything for one year, he was thrown in jail for a month. The sword of a fake police encounter was always hanging over his head. However, when he received a letter about his German Court Case from

the European Commission of Human Rights in Strasbourg, France it alerted the Indian authorities, thwarting their plans of killing him in a fake police encounter. After a court in Punjab dismissed his charges, he left India in 1981 for good and lived in Canada for about three years. He moved to the United States in 1984 and received his green card in 1987. He has been living in self-imposed exile ever since he left India in 1981.

In 2007, in Pierce County of Washington state he was accused of sexual assault charges by agents of the Indian regime intending to get him deported to India. The resulting lawsuits ruined his life. He was thrown into bankruptcy, and his house went into foreclosure. He lost his business, and his credit was ruined. In order to feed his family, he worked as a pizza delivery driver for seven months and as a dishwasher for about a year and a half until he fell into his current job as Court Interpreter in 2010. Even though he won that case in 2010 when India's agents confessed that the charges were false (Pierce County Superior Court Case No. 07-2-13903-1 and 07-2-13359-9), his victory came at a huge cost to him personally and financially. He decided to become a US citizen in 2012 ending his statelessness.

Petitioner's older sister Amandeep Kaur Kang was born in 1992 in Washington state. They were both homeschooled until grade twelve by their mother Manjeet Kaur Kang, a former high school teacher from India. Petitioner and her sister both received their associate degrees in business management from Pierce College, Puyallup, Washington. They both went on Dean's List, and both were inducted into Phi Theta Kappa Honor Society. They both received their bachelor's

degrees without a glitch in business management from WGU (Western Governors University) based in Utah, USA. Due to the petitioner's father's writings and public speaking, the Kang family was very well known in their community. While living in the USA, petitioner's father authored three more books of poems and songs in his native language Punjabi. He authored five booklets in English that did not irritate anybody in India but the ones in Punjabi certainly did.

Petitioner's father believed that the American Educational Institutions including WGU were becoming convenient launch pads for Big Money influence peddlers and foreign powers to target their dissidents. He also believed that the dark forces within the foreign regimes (India included) had been infiltrating American Universities, Colleges, and the Corporate World for years when America was sleeping at the switch.

Ignoring their father's advice, in 2017, the petitioner and her sister both decided to enroll once again in WGU to obtain their MBA degrees. Petitioner's sister Amandeep obtained her MBA without much trouble because she was not involved in her father's activities. However, the petitioner who was well known in the community as her father's assistant became the target of three WGU employees/agents of East Indian descent. She was assisting her father in his social/religious/cultural/literary activities. She assisted him in his online activities in the minority Punjabi/Sikh Community in the state of Punjab, India remotely as well as in Washington state, USA. She even started her own website under the name **Guided by The Divine** to promote her father's upcoming book/memoir

titled: **"Guided by Divine Enlightenment"** subtitled **From a Mud House to The Land of The White House** that still remains unpublished, due to distractions caused by the ongoing court cases.

In 2017, The hostile dark forces connected to India's HINDUTVA (Political Hinduism seeking to wipe out or dilute minorities) lobby decided to use the petitioner as a pawn through their puppets in the U.S. in order to get to her father who was their ultimate target. **It was predicted by petitioner's father seven years earlier through a Punjabi song that he wrote, which was sang and recorded by dozens of young people in the state of Punjab India, after he won his Pierce County case cited above.**

In 2018 after the petitioner completed most of her master's degree course, the three employees of East Indian descent at WGU (Western Governors University) targeted her at the behest of their Hindutva puppet masters. **They retroactively negated grades of four of her essays from her ongoing master's degree course and one of her papers from her already obtained bachelor's degree.** WGU threatened to strip her of her bachelor's degree and expel her from the university if she did not capitulate. However, she refused to capitulate. This is how the petitioner's court case began in 2019 when she filed a lawsuit after exhausting all the administrative procedures at WGU's Kangaroo Court dominated by Hindutva agents.

## LEGAL BACKGROUND OF THE CASE

It is very unfortunate to note that before submitting her original petition, the petitioner contacted the well-known Supreme Court Press twice to print and submit her booklets for her to this court. Both times they asked her to fill in her name and case number as well as the defendant's name. On seeing all that information, the Supreme Court Press had cold feet and did not even bother to respond back. It became perfectly clear to the petitioner that she was up against a proverbial mountain range including but not limited to WGU that nobody in the country was willing to confront on her behalf.

Now, the petitioner is going to elaborate what has transpired in her case so far and how she has been railroaded in the United States' judicial system turning the American Legal System on its head by the powerful vested interests who know how to game the system. Initially, the petitioner filed her case as Pro Se but later hired a lawyer who initiated contact with her father after learning about the petitioner's case from somebody else. The first thing her lawyer did, he added WGU of Washington state as one of the defendants despite petitioner's objections.

There was absolutely no reason to add WGU of Washington as one of the defendants, except putting Washington state's Governor on edge to elicit his sympathy and support for the opposing side, expecting to extract some undue influence. However, when petitioner's lawyer Mr. Lance Hester dropped out under

intimidation and duress exerted by the "other side" (quotes added), the petitioner once again removed WGU of Washington as one of the defendants.

THE COURTS HAVE ERRED IN THEIR DECISIONS AND OPINIONS

(A) **The Pierce County Superior Court** has made a serious error buying into the pretext manufactured by WGU as a case of student discipline. This is how they killed the case through a summary judgment. Petitioner's former lawyer was placed under duress by threatening to kill his career by taking his law license away and in the process ruining the life of his physically disabled young son who he cared for. Petitioner's lawyer stated those threats coming from the "other side" (quotes added) right in front of petitioner's father several times. That is why her lawyer dropped out. **However, damage was already done to the petitioner's case.**

(B) After her lawyer was intimidated to drop out, the petitioner became Pro Se once again. She reframed the arguments herself in her case the way she wanted her former lawyer to do but he did not due to the duress specified above. Her reframed arguments were submitted by her to the Washington State Court of Appeals that jolted the lawyers of the other side, and they labeled it as a brand-new case. However, they circumnavigated those without responding to a single one of her arguments. **They stuck to attacking the original arguments they had spoon fed to petitioner's former lawyer Mr. Lance Hester by blackmailing him turning the American legal system on its head putting third world**

**countries to shame and making the framers of the US Constitution to turn in their graves.**

**The State Court of Appeals in Washington** state wrote an Unpublished Opinion. (Appendix E, [xv])

(C) **The Washington State Supreme Court Denied the Hearing**

(Appendix–D, [xiii])

(D) **The Us District Court Hit the Petitioner with Res Judicata**

When the petitioner filed her case at the US District Court of the Western District of Washington, it was the case with the arguments that she had reframed. It was the case with the same arguments that she had previously filed with the State Court of Appeals which, circumventing them, rendered an Unpublished Opinion. The district court's major error was that it perceived them to be the same arguments which were litigated at Pierce County Superior Court. **Nothing could be further from the truth because the other side's lawyers had already stated just the opposite at the Washington State Court of Appeals.**

**At US District court when petitioner caught the opposing side's lawyers for flip flopping, they dropped out, compelling the defendant to replace them with brand new lawyers just for the sake of flip flopping again. They were allowed to do so by the Ninth Circuit, but the petitioner's reframed**

**arguments were ignored by the court, violating the equal protection clause of the 14th amendment, as well as the impartiality of our judiciary.**

The petitioner did not repeat other side's spoon-fed arguments at Washington State Court of Appeals or at the US District Court. Therefore, the Doctrine of Res Judicata does not apply but the US District Court made a major error and applied that doctrine anyway. (Appendix – C page [x])

The US District court ignored what the rattled lawyers of the other side were saying, who had already admitted that petitioner's case was a brand-new case meaning brand-new arguments as opposed to the arguments they had previously spoon fed to petitioner's lawyer under duress at the Superior Court. The US District Court ignored the facts presented by the Pro Se litigant without saying a word about it. Therefore, **US District Court's other error was to ignore the merits of her case she herself formulated and presented.**

**(E) Errors Of the Us Court of Appeals at The Ninth Circuit**

(a) Ninth Circuit's Major error was to ignore petitioner's incontrovertible evidence in the form of sworn testimony provided by her father. (Appendix–B, vii).

The court objected that it was not part of the submission at the US district court. **The court's action throwing out petitioner's entire late submitted but otherwise solid evidence was unfair.** It is contrary to the spirit of 1993 Advisory Committee's advice. It warns that in a variety of situations, a Pro Se litigant lacks knowledge of Fed. R. Civ. P. 37 (c) (Advisory committee notes 1993).

(b) The Court of Appeals at the Ninth Circuit also side stepped the merits of her case written by her, when she took over her case as Pro Se. **Those were part of the record at the US District Court. However, the ninth circuit ignored that part of the record too.**

( c ) On the other hand, Ninth Circuit has allowed the flip flops of the defendant's lawyers to stay intact.

When the petitioner took over her case as Pro Se once again, she realized that she had to get at least one of the two primary witnesses involved. Her first choice was her intimidated former lawyer who she probed to testify but he did not respond one way or the other for fear of retaliation, probably because he had no witness protection. The second option was her father Amrik Singh Kang, who was an eyewitness to every exchange the petitioner had with her former lawyer. So, she decided to get her father to testify, that he did through Notarized Affidavits. However, the Court of Appeals at The Ninth Circuit denied her appeal ignoring all testimony provided by her father, an eyewitness with impeccable credentials, violating the letter and the spirit of 1993 Advisory Committee Notes cited in ( a ) above.

## CONSTITUTIONAL PROVISIONS INVOLVED

### (I) The Violation of Petitioner's First Amendment Rights

Petitioner's first amendment rights were violated when she was silenced systematically from assisting her father in his cultural/social/religious/literary

activities by dragging her into this case by manufacturing a pretext and then using that pretext against her, forcing her into this case. Moreover, her website as well as her father's website with several inputs from her in it were systematically destroyed by the vested interests of East Indian descent connected to the defendants because she had listed those two websites as two pieces of evidence of her and her father's activities in this case. This is an issue that is not confined to the parties in this case. This is a precedent setting template that can affect millions of people nationwide who can be railroaded in the same manner petitioner was railroaded by the same Big Tech and the proverbial Big Boys through gaming the United States Legal System.

**(II) The Violation of Petitioner's Seventh Amendment Rights**

When the petitioner's lawyer was put under duress to force him to withdraw from her case, it was in fact a violation of her 7th amendment right to be represented by a lawyer. After that she contacted several lawyers, talking to them on the phone and in person. After gathering basic information about her case, they all refused to take her case. **All these were well reputed lawyers including but not limited to the California law office of Harmeet Dhillon, the current Assistant Attorney General for Civil Rights,** who was not in her current job at that time. It became very clear to the petitioner that no lawyer was willing to go toe to toe with the "other side" namely the powerful vested interests of American Universities. The list includes WGU that has become even more powerful since then by inducting United States proverbial Big Boys and Big tech into its board of

Directors. This one is another issue that is not confined to the parties. This is an issue of great public interest. It is going to harm millions if not confronted with head on.

### (III) The Violation of Petitioner's Equal Protection Rights

The Equal Protection Clause of the 14th amendment gives equal protection to all citizens. It does not differentiate between students studying at public universities and private universities. Here the 14th amendment's clause of equal protection was violated in petitioner's case as it was perceived that she was entitled only to bare minimum due process/protection. It was done under the current practice of the courts in the USA. The court concedes this practice (Appendix E, xxv, paragraphs 2-3).

Petitioner contends that this practice is unconstitutional because it violates the equal protection clause of the 14th amendment that reads:

*"...nor deny to any person within its jurisdiction the equal protection of the laws."*

**Furthermore, so far, no judge/court has ruled on her reframed arguments/merits or proved them wrong. At best, they all have side stepped them violating the spirit of Brown v. Board of Education (Appendix H), and her equal protection right under Section 1 of the 14th Amendment (Appendix G).**

## CONCLUSION

This is a case of national importance that is going to affect millions of people beyond the parties. Therefore, granting of this petition is called for, and the petitioner prays the court to do so.

Respectfully signed this 11th day of June 2025.

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# APPENDIX G

Right to Freedom of speech or of the press under the

**1ST Amendment of the US Constitution that reads:**

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

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Right to a jury trial in civil cases under the:

**7TH Amendment of the US Constitution that reads:**

"In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law."

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**Rights to Equal Protection under the**

**14TH Amendment of the US Constitution that reads:**

"SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are Citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

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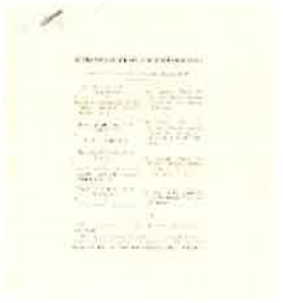
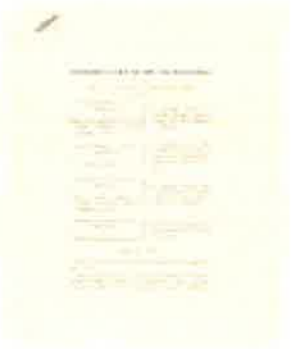
# APPENDIX H

# Opinion in Brown v. Board of Education

5/17/1954





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3



4



5

Chief Justice Earl Warren delivered this unanimous U.S. Supreme Court ruling in the landmark civil rights case *Brown v. Board of Education of Topeka.* (Selected pages are shown.)

The Court found that state-sanctioned segregation of public schools violated the 14th Amendment. The decision marked the end of the "separate but equal" precedent set by the Supreme Court nearly 60 years before in *Plessy v. Ferguson.*

Although this case is commonly known as "*Brown* v. *Board,*" it was actually five cases that the Supreme Court heard collectively. The five separate cases had been filed in Kansas, South Carolina, Virginia, the District of Columbia, and Delaware:

- *Oliver Brown et al.* v. *Board of Education of Topeka, Shawnee County, Kansas, et al.*
- *Harry Briggs, Jr., et al.* v. *R.W. Elliott, et al.*
- *Dorothy E. Davis et al.* v. *County School Board of Prince Edward County, Virginia, et al.*
- *Spottswood Thomas Bolling et al.* v. *C. Melvin Sharpe et al.*
- *Francis B. Gebhart et al.* v. *Ethel Louise Belton et al.*

While each case had its unique elements, all were brought on the behalf of elementary school children, and all involved Black schools that were inferior to White schools. Most important, rather than just challenging the inferiority of the separate schools, each case claimed that the "separate but equal" ruling violated the equal protection clause of the 14th Amendment. The lower courts ruled against the plaintiffs in each case, noting *Plessy* as precedent.

This ruling was issued for four of the five cases. The Supreme Court issued a separate ruling for *Bolling* v. *Sharpe* because the 14th Amendment only applies to states and is not applicable in the District of Columbia. (Chief Justice Warren, recognizing that the Fifth Amendment did not contain an equal protection clause, relied on the Fifth Amendment's guarantee of "liberty" to find the segregation of Washington, DC, schools unconstitutional.)

Arguments were to be heard during the term following the *Brown* v. *Board* ruling to determine just how it would be imposed. Just over one year later, on May 31, 1955, Warren read the Court's unanimous decision, now referred to as *Brown II*, instructing the states to begin desegregation plans "with all deliberate speed."

Despite two unanimous decisions and careful, if vague, wording, there was considerable resistance to the Supreme Court's ruling in *Brown*. In addition to the obvious disapproving segregationists, some constitutional scholars felt that the decision went against legal tradition by relying heavily on data supplied by social scientists rather than precedent or established law. Supporters of judicial restraint believed the Court had overstepped its constitutional powers by essentially writing new law.

However, minority groups and members of the civil rights movement were buoyed by the *Brown* decision. Proponents of judicial activism believed the Supreme Court had appropriately used its position to adapt the basis of the Constitution to address new problems in new times. The Warren Court stayed this course for the next 15 years, deciding cases that significantly affected not only race relations, but also the administration of criminal justice, the operation of the political process, and the separation of church and state.