

25-5275

No. _____

FILED

JUL 30 2025

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Kayla Williams PETITIONER
(Your Name)

vs.

Pennsylvania State University et al. RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals for the Third Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Kayla Williams
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(City, State, Zip Code)412-510-4222
(Phone Number)

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QUESTIONS PRESENTED:

- 1.) Does the Due Process Clause of the 14th Amendment require public universities to allow accused students a meaningful opportunity to cross examine adverse witnesses when the credibility is central to the outcome, as held by Sixth Circuit, or may universities deny that opportunity to cross examine without violating due process, as held by Third Circuit in this case at hand?
- 2.) Are the federal circuit courts split on the proper application of the forfeiture doctrine, with some circuits (including 3rd circuit) strictly barring appellate review of improperly preserved constitutional issues, but other circuits allowing flexibility when fundamental rights, constitutional issues and/or plain error are involved?
- 3.) Does the strict application of the forfeiture doctrine by 3rd Circuit in this case at hand, where 3rd circuit completely barred issues regarding constitutional issues and fundamental rights raised on appeal because the issues were not clearly stated at district court level, conflict with other circuits that allow review of constitutional arguments on appeal that weren't perfectly preserved?
- 4.) Does the Due Process Clause of the 14th Amendment require appellate courts to review the denial of judicial recusal where a judge granted summary judgment in favor of a party with whom the judge has a close personal connection, and where other circuits would have required recusal and/or vacated the judgment under similar circumstances?
- 5.) In cases where the judge's failure to recuse himself from a case involving a party which he has substantial ongoing ties to, which violates 28 U.S.C 455(a) and litigants 14th Amendment Due Process rights, are circuit courts required to bypass forfeiture doctrine and impose sanctions when brought to circuit court's attention, like many circuits do, or

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are they allowed to ignore the judicial misconduct by strictly applying forfeiture doctrine like 3rd Circuit did in their decision on the case at hand?

LIST OF PARTIES:

- **Petitioner:** Kayla Williams
- **Respondents:** The Pennsylvania State University, Karen Feldbaum, Lauren Langford, Brendan Prawdzik, and Michelle Yarwood

RELATED CASES:

- *Kayla Williams vs Pennsylvania State University, Karen Felbaum, Lauren Langford, Brendan Prawdzik, and Michelle Yarwood.* #4:20-cv-00298, U.S. District Court for the Western District of Pennsylvania. Judgement entered October 11th, 2023.
- *Kayla Williams vs Pennsylvania State University, Karen Feldbaum, Lauren Langford, Brendan Prawdzik, and Michelle Yarwood.* #23-3180, United States Court of Appeals for the Third Circuit. Order Denying Motion for Rehearing entered May 2nd, 2025.

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INDEX TO APPENDICES:

- **APPENDIX A:** Opinion of the United States Court of Appeals for the Third Circuit
- **APPENDIX B:** Opinion of the United States District Court for the Middle District of Pennsylvania
- **APPENDIX C:** Order of the United States Court of Appeals for the Third Circuit Denying Petition for Rehearing on May 2nd, 2025.

TABLE OF AUTHORITIES:

- **Cases Referenced to Show Circuit Splits:**
 - *Doe vs. University of Cincinnati, Sixth Circuit (2017)*
 - Referenced on Page 7
 - *Doe vs Baum, Sixth Circuit (2018)*
 - Referenced on Page 8
 - *McIntosh vs United States*
 - Referenced on Page 9
 - *Caperton vs. A.T. Massey Coal Co. (U.S. Supreme Court, 2009)*
 - Referenced on Page 10
 - *United States vs Judge Robert Clive Jones (9th Circuit 2016)*
 - Referenced on Page 10
 - *Wassel vs Penn State University (2024)*
 - Referenced on Page 6 and 7

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PETITION FOR WRIT OF CERTIORARI

Petitioner, Kayla Williams, respectfully prays that a writ of certiorari issue to review the judgement below.

OPINIONS BELOW:

The opinion of the United States 3rd Circuit Court of Appeals appears at Appendix A to the petition.

JURISDICTION:

The date the 3rd Circuit Court of Appeals decided on my case was filed on April 1st, 2025. A timely Petition for Rehearing was denied by 3rd Circuit Court of Appeals on **May 2nd, 2025**, and a copy of the order denying rehearing appears at Appendix C. The jurisdiction of this Court is invoked under 28 U.S. C. 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED:

- **U.S. Const. Amend. XIV 1 (Due Process Clause)**
 - “No State shall deprive any person of life, liberty, or property, without due process of law”
- **U.S. Const. Amend. I (Free Speech Clause)**
 - “Congress shall make no law abridging the freedom of speech”
- **Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et seq.:**
 - Protects against retaliation for filing and/or participating in a Title IX Complaint
- **Federal Recusal Statute 28 U.S.C. 455**
 - “Any judge shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned”

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- 42 U.S.C. 1983
- Any other rights / statutes relevant to this case

STATEMENT OF THE CASE:

1.) I, Kayla Williams, was subjected to retaliatory disciplinary proceedings for speaking out regarding a Title IX complaint, resulting in harassment, stalking, and retaliation by Penn State, which resulted in a retaliatory suspension by Penn State during my senior year at Penn State University, a couple days after I filed a lawsuit against Penn State.

- a.) These proceedings violated my constitutional rights, including procedural due process protections
- b.) I was denied meaningful opportunities to cross-examine adverse witnesses and many other due process violations
- c.) I was also denied a fair suspension hearing decision and appeal decision due to an obvious conflict of interest that had input on my suspension decision, AND a conflict of interest decided on my suspension appeal, which also violated my due process rights

2.) In the District Court, the procedural due process claims and negligence claims under Title IX were wrongly dismissed by Judge Matthew Brann, the same judge who exposed his close relationship with Penn State but did not recuse himself from the case, and the same judge who also graduated from Penn State Law School.

- a.) Per **Federal Recusal Statute 28 U.S.C. 455** Judge Brann was legally required to recuse himself from the case at hand, but he did not, which also violated my right to a fair litigation process under **Due Process Clause of the 14th Amendment**.

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- 3.) The Third Circuit wrongly affirmed the district court's decision, claiming that my claims of procedural defects (that resulted in due process and constitutional rights violations) were forfeited due to those issues not being raised earlier in the case, and wrongly claimed that my due process rights (including being denied the ability to cross examine witnesses) were not violated, while completely ignoring the raised issue of proof submitted of Judge Brann having ongoing close ties with Penn State, which could have affected the impartiality of the entire litigation process.
- 4.) The Third Circuit Court's entire decision contradicts multiple other circuit court rulings in similar cases with similar facts, as explained in this petition, showing very obvious circuit splits that warrant this Court's intervention to ensure uniform protection of constitutional rights across jurisdictions.
- 5.) This case is also a broader pattern of retaliatory disciplinary actions at Pennsylvania State University against students who speak out about Title IX grievances
 - a.) In a similar case, *Wassel vs Penn State University (2024)*, where Wassel states that school officials harassed, retaliated and threatened suspension and/or expulsion towards Wassel due to her Title IX complaints, the District Court (presided over by the same judge that wrongly granted summary judgement in my case) denied summary judgement requested by Penn State
 - i.) This similar case underscores the persistent constitutional issues arising from Penn State and Penn State's disciplinary system, affecting thousands of students' rights that attend Penn State, warranting this court's review.
 - ii.) This similar case also shows a clear inconsistency in summary judgement rulings on similar cases by Judge Brann, bias, and unequal application of

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legal standards that warrants review by this Court to ensure laws and rights are being equally and fairly applied across all cases.

REASONS FOR GRANTING THE PETITION:

1.) Circuit Court Splits Regarding Student Due Process Rights. Supreme Court Should Clarify the Scope of Procedural Due Process in University Disciplinary Proceedings

- a.) While *Goss vs. Lopez*, 419 U.S. 565 (1975) recognized that students have a property interest in their education and are entitled to due process, lower courts remain sharply divided over what process is constitutionally required in disciplinary hearings
- b.) The Third Circuit's decision on this case at hand is different from other circuits by Third Circuit failing to recognize the necessity of basic procedural protections, such as meaningful cross-examination of adverse witnesses, protections that several other circuits have held essential

i.) Examples:

(1) *Doe vs. University of Cincinnati*, Sixth Circuit (2017)

- (a) The Sixth Circuit decided that when a public university's disciplinary decision hinges on credibility determinations, **due process requires the accused student to have the opportunity to cross-examine adverse witnesses in front of a neutral decision maker**

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(2) *Doe vs Baum*, Sixth Circuit (2018)

- (a) The Sixth Circuit reaffirmed that where credibility is essential to the outcome, some form of cross-examination is required under due process
- (b) Courts have held that without live questioning, the risk of erroneous disciplinary outcomes is too high
- ii.) The denial of these protections by Third Circuit not only shows a circuit court split regarding student due process laws, but also violates the 14th Amendment's Due Process Clause.
- c.) Supreme Court's intervention is necessary to provide uniform and clear standards across circuit courts regarding student due process rights, protecting students and student rights nationwide.

2.) Circuit Court Conflicts and Legal Uncertainty

- a.) The Third Circuit's ruling on this case at hand (including allowing denial of cross-examination and failing to adequately consider claims on appeal) is different from rulings in the Sixth, Ninth, and other circuits.
 - i.) Such circuit splits lead to unequal application of constitutional rights.
- b.) Supreme Court's intervention is necessary to provide uniform and clear standards regarding due process rights and appellate rights across all circuit courts

3.) Circuit Court Splits Regarding Application of Forfeiture Doctrine

- a.) The Third Circuit's refusal to consider important constitutional claims on this case because they were not raised in the district court improperly restricts appellate review

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- i.) This rigid application of forfeiture doctrine conflicts with principles that protect litigants' rights to meaningful judicial review, especially when fundamental constitutional rights are at stake, and valid concerns of violations of law by district court's judge are exposed
- b.) The Third Circuit's rigid application of the forfeiture doctrine applied in my case at hand, barring review of fundamental constitutional claims stands in sharp contrast to more flexible approaches taken in other circuits, where other circuits permit review when justice so requires, particular in cases involving serious constitutional rights
 - i.) **Cases Proving Circuit Splits:**
 - (1) *McIntosh vs United States*: The Second Circuit treated Rule 32.2 procedural requirements as claims processing rules subject to harmless error review, NOT jurisdictional mandates that automatically bar appellate review of constitutional issues, even where preliminary forfeiture orders were omitted
 - (2) Similar to the Second Circuit, **Sixth Circuit** has permitted appellate scrutiny of constitutional claims despite procedural defaults when justice dictates
- c.) This disparity between circuit courts application of forfeiture doctrine further highlights the need for the Supreme Court's review to ensure uniformity and fairness in the protection of due process and First Amendment rights in the education context

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4.) Circuit Courts Are Split on Whether a Judicial Conflict of Interest Can Be Considered for the First Time on Appeal

a.) 3rd Circuit Court of Appeals declined to consider my due process challenge stemming from an **obvious and disqualifying judicial conflict**, reasoning that the issue was forfeited because it was not raised before district court

i.) This approach majorly conflicts with the law of other circuits, where other circuits recognize that fundamental constitutional violations such as judicial bias may be reviewed de novo on appeal, even when not preserved prior

ii.) Cases Proving Circuit Splits:

(1) Caperton vs. A.T. Massey Coal Co. (U.S. Supreme Court, 2009)

(a) The court held that Justice Benjamin's failure to recuse himself created an unconstitutional probability of bias, and imposed a remedy despite the lateness of the claim

(b) This case is the landmark precedent that gives appellate courts authority to act despite the procedural forfeiture or waiver

(2) United States vs Judge Robert Clive Jones (9th Circuit 2016)

(a) The Ninth Circuit found that District Judge Jones had repeatedly shown bias

(b) Although some bias concerns were raised for the first time on appeal, the court not only reversed the underlying

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decision but also ordered a reassignment to a different judge due to the appearance of bias “from the outset”

- b.) This obvious court split on whether a judicial conflict of interest can be considered on the first time on appeal, is another majorly important conflict between courts that requires the Supreme Court’s intervention to be corrected.

5.) This Court Should Review the Recurring Retaliatory Practices by Penn State Against Title IX Complainants

- a.) This case at hand, as well as *Kaitlyn Wassel vs Penn State*, highlights a broader issue of harassment and retaliatory disciplinary actions at Penn State against students exercising their rights to speak about Title IX violations.
- b.) The similar *Wassel* lawsuit confirms the retaliatory reasons behind the disciplinary sanctions brought against me by Penn State.
- c.) This well known pattern by Penn State threatens students’ constitutional rights to free speech and due process and warrants this Court’s intervention.

6.) National Importance and Precedential Value

- a.) University disciplinary proceedings affecting students’ liberty and educational futures are a nationwide issue.
- b.) As shown by the multiple referenced cases that show other circuit court decisions that deferred from Third Circuit’s application of law in this case, Supreme Court’s review is necessary to ensure fairness and equality regarding student rights across all circuit courts is established.
- c.) Clarification from the Supreme Court will provide much needed legal standards and protections for students and appellates across the country, ensuring that

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universities cannot sidestep constitutional requirements through retaliatory actions and/or flawed procedures, and also ensuring that circuit court legal standards are equal across all circuits.

CONCLUSION:

There are MULTIPLE clear and unresolved circuit splits among the federal circuits concerning the scope of student due process rights and the constitutional standards governing university disciplinary proceedings. These circuit splits, combined with circuit splits regarding the application of forfeiture doctrine, are shown by real cases within circuit courts and the Supreme Court, as documented in this petition, and calls for the Supreme Court's intervention to ensure equal and uniform protection of constitutional rights across jurisdictions.

For the reasons mentioned in this petition, I respectfully request this petition for a Writ of Certiorari to be granted, and the judgment of the United States Court of Appeals for the Third Circuit should be reversed and/or vacated.

Respectfully Submitted,

s/ Kayla Williams

Kayla Williams

Date: July 30th, 2025