

Supreme Court, U.S.
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No. 25-1147

In the Supreme Court of the United States

ROCHELLE L. SMITH,
Petitioner,
v.
GENERAL MOTORS, L.L.C.,
Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

Rochelle L. Smith
409 Avenue E
Dallas, TX 75203
(682) 597-0928
rochellessmithdallas@gmail.com

Pro Se Petitioner

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QUESTIONS PRESENTED

1. Whether the Fifth Circuit's affirmance of the district court's dismissal of ADA and TCHRA claims for failure to exhaust administrative remedies in a deferral state violates due process under the Fifth and Fourteenth Amendments by imposing overly rigid filing requirements that conflict with Supreme Court precedents on equitable tolling and dual-filing mechanisms, creating a circuit split with more lenient interpretations in the Ninth and Second Circuits, and departing from accepted practices in federal disability law enforcement.

2. Whether lower courts' reliance on pre-ADAAA definitions of "disability" (e.g., requiring "significant restriction" rather than "broad coverage") constitutes a legal error and departure from the ADAAA's statutory mandate and Supreme Court guidance in *Sutton v. United Air Lines, Inc.*, 527 U.S. 471 (1999) and *Toyota Motor Manufacturing, Kentucky, Inc. v. Williams*, 534 U.S. 184 (2002), as amended by Congress, raising an important federal question about uniform application of federal disability law for untreated chronic conditions like traumatic brain injury and PTSD.

3. Whether the Fifth Circuit's narrow application of the continuing violation doctrine to discrete acts of disability discrimination (e.g., failure to accommodate and wrongful termination) conflicts with *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002), where ongoing patterns of discrimination should toll limitations periods, presenting a nationally important issue for workers in deferral states suffering from cumulative harms.

4. Whether dismissing pro se ADA claims without considering “regarded as” disabled prongs or liberally construing pleadings violates equal protection and access to justice principles, especially when lower courts legally erred by ignoring the EEOC amicus briefs arguments for ADAAA compliance and “regarded as” viability, creating conflicts with this Court’s rulings on pro se leniency in *Haines v. Kerner*, 404 U.S. 519 (1972).

5. Whether the Fifth Circuit’s refusal to recognize a timely March 12, 2022 verified EEOC intake questionnaire as a “charge” under *Federal Express v. Holowecki*, 552 U.S. 389 (2008), and *Edelman v. Lynchburg College*, 535 U.S. 106 (2002), creates an acknowledged circuit conflict and warrants this Court’s review.

RELATED PROCEEDINGS

United States District Court (N.D. Tex.):

Rochelle L. Smith v. General Motors, L.L.C., No. 4:23-cv-00379-O (Jul. 25, 2024) (order accepting findings, conclusions, and recommendation of the United States Magistrate Judge)

Rochelle L. Smith v. General Motors, L.L.C., No. 4:23-cv-00379-O (Aug. 20, 2024) (reconsideration denied)

Rochelle L. Smith v. General Motors, L.L.C., No. 4:23-cv-00379-O (Aug. 30, 2024) (additional requests for reconsideration denied)

United States Court of Appeals (CA5):

Rochelle L. Smith v. General Motors, L.L.C., No. 24-10841 (Jun. 17, 2025) (district court affirmed)

Rochelle L. Smith v. General Motors, L.L.C., No. 24-10841 (Aug. 20, 2025) (rehearing denied)

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Appendix I

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The Fifth Circuit's opinion is reproduced in the Appendix at App.1-9. The decisions of the Northern District of Texas is reproduced in the Appendix at App.13-35.

JURISDICTION

The Fifth Circuit's decision was entered on June 17, 2025. The Fifth Circuit denied rehearing on July 14, 2025. This Court has jurisdiction under 28 U.S.C. §1254(1).

STATUTORY PROVISIONS INVOLVED

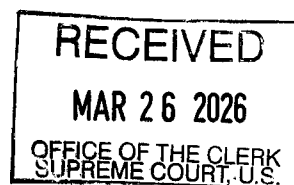
U.S.Const., Amdt. V: "No person shall be [...] deprived of life, liberty, or property, without due process of law [...]"

U.S.Const., Amdt. XIV, §1: "[...] 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."

U.S.Const., Amdt. VII: "In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved."

42 U.S.C. §12102(1): "The term 'disability' means, with respect to an individual-(A) a physical or mental impairment that substantially limits one or more major life activities...; (B) a record of such an impairment; or (C) being regarded as having such an impairment..."

Pub. L. No. 110-325, § 2(b)(5): "The purposes of this Act are... to reject the standards enunciated by the Supreme Court in *Sutton...* and *Toyota...* that the term 'substantially limits' requires a greater degree of limitation than was intended by Congress..."



Tex. Lab. Code §21.202(a): “A complaint under this subchapter must be filed not later than the 180th day after the date the alleged unlawful employment practice occurred.”

29 C.F.R. §1630.2(j)(1)(ii): “An impairment is a disability... if it substantially limits the ability of an individual to perform a major life activity as compared to most people in the general population.”

STATEMENT OF THE CASE

Smith was hired by General Motors (GM) on February 24, 2020. On August 29, 2020, she suffered a severe workplace accident resulting in traumatic brain injury (TBI), post-concussion syndrome, and chronic physical impairments. Both her work injury physician and GM’s medical doctor, Dr. Cheng, placed her on sedentary work restrictions.

Early in her recovery, Smith was briefly assigned to sedentary work; however, GM soon began intentionally placing her in positions that Respondent knew violated her medical restrictions. These assignments subjected Smith to further physical injury and pain. Despite her complaints about these violations and her potential to eventually return to full capacity, GM refused to transition her from temporary to permanent status in a department that could accommodate her. Instead, GM repeatedly placed her on “no job available with restrictions” (NJAWR) status between March 2021 and March 2022, effectively regarding her as disabled.

GM Labor never informed Smith of her termination or provided any justification for it. Smith only discovered she had been discharged on March 8, 2022, through the GM medical staff and subsequently

through her insurance company. On March 23, 2022, Smith visited the GM Labor office with her Union Steward to seek clarification. She spoke with a GM representative named Matt, who stated he would follow up with her; however, neither Matt nor any other GM representative ever called or provided information.

Four days after learning of her discharge, Smith submitted a verified EEOC intake questionnaire detailing this pattern of non-accommodation and the "regarded as" discrimination. On March 22, 2023, Smith filed this pro se action in the United States District Court for the Northern District of Texas, asserting claims under the Americans with Disabilities Act (ADA) and the Texas Commission on Human Rights Act (TCHRA) for failure to accommodate, disparate treatment, "regarded as" disability discrimination, and wrongful termination. She demanded a jury trial and did not consent to final disposition by the magistrate judge.

The district court granted GM's motion for judgment on the pleadings, holding that the March 12, 2022 intake questionnaire did not constitute a "charge," that the TCHRA claims were time-barred, that Smith was not disabled under pre-2009 standards, that the "regarded as" prong did not apply, and that no continuing violation saved otherwise untimely acts. Final judgment dismissing all claims was entered on July 25, 2024.App. 62a.

The EEOC moved for leave to file an amicus curiae brief in support of Smith's motion for reconsideration, arguing that the district court had misapplied the ADA Amendments Act of 2008, erroneously refused to treat the intake questionnaire as a charge under

Federal Express v. Holowecki, 552 U.S. 389 (2008), and improperly dismissed the “regarded as” claim. The district court denied reconsideration without addressing the EEOC’s arguments.

On June 17, 2025, the United States Court of Appeals for the Fifth Circuit affirmed in an unpublished per curiam opinion. App. 3a. It did not discuss the EEOC amicus brief or this Court’s decisions in *Holowecki* or the ADAAA. Rehearing was denied on August 15, 2025. This timely petition followed.

REASONS FOR GRANTING THE PETITION

Certiorari is warranted under S. Ct. R. 10. The Fifth Circuit’s decision, affirming the district court’s legal errors, violates due process and equal protection rights, conflicts with precedents (*Morgan, Sutton, Toyota, and Haines*), creates circuit splits, departs from accepted practices, and presents federal questions affecting 61 million disabled Americans (CDC) and pro se litigants (25% of civil cases; ABA Pro Se Litigation Trends, 2023).

I. The Fifth Circuit’s Summary Affirmance Without Opinion After the EEOC Filed an Amicus Brief Urging Reversal Constitutes a Departure from the Accepted and Usual Court of Judicial Proceedings (S. Ct. R. 10(a))

The Fifth Circuit’s per curiam affirmance—a one-page, unexplained ruling (App.1–9)—itself departs from the accepted course of judicial proceedings. This summary disposition deprived this Court of reasoned analysis on critical errors, including the misapplication of ADAAA standards and refusal to recognize the

timely EEOC intake questionnaire as a charge. Supervisory review is warranted as in *Ash v. Tyson Foods, Inc.*, especially where an EEOC amicus brief urged reversal (App.32–51).

II. The Decision Below Conflicts with this Court's Precedents and Creates Circuit Splits on ADA Exhaustion

The Fifth Circuit's rigid 180-day TCHRA and 300-day ADA timelines violate due process by denying access to courts for ongoing, untreated disabilities like Smith's TBI and PTSD . This conflicts with *Mohasco Corp. v. Silver*, 447 U.S. 807 (1980). The district court legally erred by dismissing claims despite the timely March 12, 2022, EEOC questionnaire, which should qualify as a charge under *Holowecki*. Federal Question: Harmonizing timelines in 28 deferral states is critical, impacting millions with untreated disabilities (CDC: 2.8 million TBIs; NIMH: 3.6% PTSD prevalence). Inconsistent remedies foster forum-shopping, undermining ADA uniformity. National Importance: Resolution would protect vulnerable workers from procedural traps, promoting equal access and reducing litigation burdens in a system where disability claims comprise 38% of EEOC filings (FY2024).

III. The Lower Courts' Use of Pre-ADAAA Standards Violates Due Process and Departs from Accepted Practices, Raising an Important Federal Question.

The lower courts legally erred by applying pre-ADAAA "significant restriction" standards, violating due process by denying fair application of law to

Smith's TBI and PTSD. This conflicts with the ADA's mandate for "broad coverage".

IV. The Narrow Application of the Continuing Violation Doctrine Conflicts with *Morgan*.

Refusing continuing violations for Smith's pattern of non-accommodation conflicts with *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002), which tolls for ongoing patterns. The district court erred by dismissing pre-February 2022 acts, ignoring that Smith's pattern constitutes a single unlawful practice.

V. Dismissal of Pro Se "Regarded As" Claims Violates Equal Protection.

Dismissal "regarded as" claims without exhaustion analysis disadvantages pro se litigants. The lower courts erred by ignoring evidence that GM's NJAWR status evidenced a perception of impairment.

VI. The Refusal to Recognize the Intake Questionnaire as a Charge Creates an Acknowledged Circuit Conflict.

The refusal to treat Smith's March 12, 2022, verified EEOC intake questionnaire as a "charge" violates due process and conflicts with *Holowecki* and *Edelman v. Lynchburg College*, 535 U.S. 106 (2002). This variation across circuits creates inconsistency in exhaustion requirements for disabled litigants.

CONCLUSION

This case is an ideal vehicle to resolve acknowledged circuit splits regarding ADA administrative

exhaustion and the ADAAA's mandate for broad coverage. The Fifth Circuit's ruling allows employers to bypass federal protections through procedural traps and the disregard of medical clearances. Because these issues are of exceptional national importance, the petition for a writ of certiorari should be granted.

Rochelle L. Smith

409 Avenue E
Dallas, TX 75203
(682) 597-0928
rochellesmithdallas@gmail.com

FEBRUARY 2026

Pro Se Petitioner