

In the
Supreme Court of the United States

CHARLES BOZZO,

Petitioner,

v.

JENNIFER NANASY, ET AL.,

Respondents.

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Sixth Circuit

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Whether a procedural due process claim under 42 U.S.C. § 1983 accrues at the moment of the initial deprivation, or only when the State-mandated grievance and arbitration process has concluded and failed to provide the required due process, consistent with this Court's decisions in *Reed v. Goertz*, 598 U.S. 230 (2023) and *Corner Post, Inc. v. Board of Governors of the Federal Reserve System*, 603 U.S. 799 (2024).

PARTIES TO THE PROCEEDINGS

Petitioner and Plaintiff-Appellant below

- Charles Bozzo

Respondents and Defendants-Appellees below

- Jennifer Nanasy,
Discipline Coordinator,
Michigan Department of Corrections
- Heidi Washington,
Director,
Michigan Department of Corrections

LIST OF PROCEEDINGS

U.S. Court of Appeals for the Sixth Circuit

No. 25-1199

Charles Bozzo, *Plaintiff-Appellant*, v. Jennifer Nanasy, Discipline Coordinator, Michigan Department of Corrections; Heidi E. Washington, Director, Michigan Department of Corrections, *Defendants-Appellees*.

Date of Amended Opinion: November 26, 2025

Date of Rehearing Denial: December 29, 2025

U.S. District Court for the Western District of Michigan

No. 1:24-cv-624

Charles Bozzo, *Plaintiff*, v. Jennifer Nanasy, et al., *Defendants*.

Date of Final Opinion and Order: December 27, 2024

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CONSTITUTIONAL AND STATUTORY PROVISIONS

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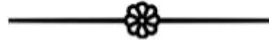
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OPINIONS BELOW

The amended opinion of the United States Court of Appeals for the Sixth Circuit, dated November 26, 2025, appears at App.1a. The opinion of the United States District Court for the Western District of Michigan appears at App.34a.



JURISDICTION

The court of appeals entered its amended judgment on November 26, 2025. (App.1a). A timely petition for rehearing was denied on December 29, 2025. (App.59a). This Court has jurisdiction under 28 U.S.C. § 1254(1).



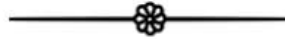
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The following constitutional and statutory provisions are reproduced in the appendix.

U.S. Const. amend. XIV, § 1 (App.61a)

42 U.S.C. § 1983 (App.61a)

MCL § 600.5805 (App.62a)

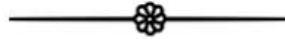


INTRODUCTION

This case presents a straightforward and nationally significant question: When does a procedural due process claim accrue under 42 U.S.C. § 1983 when a State requires a public employee to complete a mandatory grievance and arbitration process before any termination becomes final.

The Sixth Circuit held that the claim accrues at the moment of termination, even though the State's process was ongoing, even though the employee was required to complete that process, and even though the constitutional violation had not yet occurred. That rule cannot be reconciled with this Court's decisions in *Reed v. Goertz* and *Corner Post*, which make clear that a procedural due process claim is complete only when the State fails to provide due process, and that a claim accrues only when the plaintiff suffers a complete and present injury.

The decision below forces public employees into an untenable dilemma: file a premature federal lawsuit while arbitration is pending, or wait for the process to conclude and risk being time-barred. The circuits are divided, the issue is outcome-determinative, and this case is an ideal vehicle.



STATEMENT OF THE CASE

A. Factual Background

Petitioner was a long-serving Michigan Department of Corrections employee with a protected property interest in his continued employment. In 2019, MDOC officials initiated disciplinary proceedings based on allegations that no MDOC employee had ever previously been terminated for. The disciplinary conference was cursory and constitutionally inadequate. Petitioner received no meaningful notice of the evidence, no opportunity to confront witnesses, and no ability to investigate or challenge the allegations. He continued to work safely throughout the investigation, yet he was terminated.

B. Mandatory Arbitration and the State-Created Process

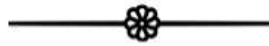
Under the collective bargaining agreement, Petitioner was required to pursue a multi-step grievance and arbitration process. This process is the mechanism that *Cleveland Board of Education v. Loudermill* identifies as the constitutionally required full, post-termination hearing.

Petitioner relied on this process in good faith. The arbitration, however, was fundamentally flawed. The arbitrator relied on disproven assertions, invoked evolving standards with no statutory or precedential basis, and failed to provide the neutral, competent adjudication required by due process. Petitioner did not, and could not, know that the State had failed to

provide due process until the arbitrator issued his final decision on March 1, 2021.

C. Proceedings Below

Petitioner filed suit under 42 U.S.C. § 1983. The district court dismissed the complaint as untimely, holding that the claim accrued in July 2019 at the moment of termination. The Sixth Circuit affirmed.



REASONS FOR GRANTING THE PETITION

I. The Sixth Circuit's Rule Conflicts with This Court's Injury-First Accrual Doctrine in Corner Post

A claim accrues only when the plaintiff has a complete and present cause of action. Petitioner could not file suit in 2019 because the State-mandated arbitration process was ongoing, the constitutional violation had not yet occurred, and any federal suit filed before the arbitration concluded would have been dismissed as unripe. The Sixth Circuit's ruling cannot be reconciled with Due Process.

II. The Sixth Circuit's Rule Conflicts with *Reed v. Goertz*

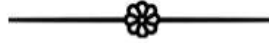
A procedural due process claim is complete only when the State fails to provide due process. The Sixth Circuit ignored this rule and treated the deprivation as the violation, even though the State's process was ongoing and the adequacy of that process could not yet be assessed.

III. The Circuits Are Split on When § 1983 Claims Accrue When State Administrative Processes Are Required

Multiple circuits hold that accrual is delayed until mandatory administrative processes conclude. The Sixth Circuit stands alone in holding that accrual occurs before the State's process is complete, even when the process is mandatory and even when the constitutional violation cannot yet be known.

IV. This Case Is an Ideal Vehicle

This case presents a pure legal question, a fully developed record, and a direct conflict with this Court's recent precedents. The issue affects thousands of public employees subject to mandatory grievance and arbitration procedures.



CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

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March 30, 2026