No.

In The

Supreme Court of the United States

Jacquelyn Annette Miller

Petitioner

v.

Dylan Farris, Keith Butler, Jeremy Gerson, James Han, Betty Lieu, Anil Muhammed, Jasmine Park, Timothy Stowe, Individually

Respondents

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

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Petition For Writ of Certiorari

Jacquelyn Annette Miller,
Presenting Oneself
c/o 3751 Motor Avenue #1103
Los Angeles, California
[90034]

Question Presented for Review

Whether dismissal of a claim based on an uncontroverted affidavit and explicit Notice of Estoppel by Acquiescence, served with lawful notice and opportunity to respond, without substantive judicial review of the affidavit's facts or the estoppel claim, violates the Due Process Clause of the Fifth and Fourteenth Amendments.

Parties to the Proceeding

All parties to the proceedings in both Ninth Circuit Court of Appeals and District Court for the Central District of California are listed on the caption sheet pursuant to Rule 14.1(b)(i).

Related Proceedings

Miller v. Farris, et al, No. 23-55717, U. S. Court of Appeals for the Ninth Circuit. Memorandum entered Oct. 16, 2025 affirming district court judge ruling by O'SCANNLAIN, SILVERMAN, and N.R. SMITH, Circuit Judges. (App. 1a.) Mandate confirming judgment entered by O'SCANNLAIN, SILVERMAN, and N.R. SMITH on Nov. 07, 2025. (App. 8a.) Order denying petition for rehearing and rehearing en banc entered by O'SCANNLAIN, SILVERMAN, and N.R. SMITH on Dec. 04, 2025. (App. 10a.) Clerk letterhead document with "SEALED" Case on the top noted on Nov. 17, 2025; no order received from the court.

Miller v. Farris, et al, No. 22-55764, U. S. Court of Appeals for the Ninth Circuit. Order entered Sep. 23, 2022 dismissing the appeal by M.SMITH, BRESS, and VANDYKE, Circuit Judges. Mandate from Clerk entered Oct. 17, 2022.

Miller v. Farris, et al, No. 21-cv-9551, U. S. District Court for the Central District of California. Order entered by SUNSHINE SUZANNE SYKES, U. S. District Judge accepting the Report and Recommendation from Magistrate ALKA SAGAR, entered July 28, 2023. (App. 11a.) Judgment entered by SUNSHINE SUZANNE SYKES on July 28, 2023, dismissed with prejudice. (App. 14a.)

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Petition For A Writ of Certiorari

I, Jacquelyn Annette Miller, Sui Juris, request for this writ of certiorari to review the judgment of the United States Court of Appeals for the Ninth Circuit noted below.

Opinions Below

No opinion was issued from the Ninth Circuit panel; the mandamus states unpublished.

Jurisdiction

The judgment of the Ninth Circuit judges order was entered on October 16, 2025. A timely filed petition for panel and en banc rehearing was denied on Dec. 4, 2025. Justice Kagan granted my request for a 60-day extension of the deadline for filing a petition for a writ of certiorari on March 15, 2026. This petition is timely filed on March 7, 2026 pursuant to Rule 13.1. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

Extension for Writ of Certiorari Granted

I timely filed for an extension for Writ of Certiorari in accordance with Rule 13.5, mailed on Jan. 2, 2026. On Jan. 8, 2026 my petition for extension was granted from the initial due date of Jan. 14, 2026 and extended to and including Mar. 15, 2026.

The extension was critically necessary to address violations of constitutional due process that emerged during the lower court proceedings. I have identified significant procedural anomalies that suggest a fundamental breakdown in the judicial review process, including deprivation of procedural safeguards guaranteed by the Fifth and Fourteenth Amendments and confusion of the rules of court.

Constitutional and Statutory Provisions Involved

First Amendment

Religious Freedom Restoration Act and Constitutional Safeguards protect peoples' rights to religious/spiritual beliefs and provides strong protection for sincerely held religious/spiritual convictions.

Fifth Amendment

The Fifth Amendment shields people from arbitrary deprivation of rights, mandating due process in governmental and institutional actions. Its core principle prevents capricious interventions that compromise fundamental personal liberties.

Seventh Amendment

The Seventh Amendment guarantees the right to a trial by jury in federal civil cases where the amount in dispute exceeds twenty dollars. It ensures

that facts determined by a jury cannot be re-examined by a judge in a different court.

Fourteenth Amendment

The Fourteenth Amendment guarantees equal protection and procedural due process, requiring state actions to meet rigorous constitutional standards and prohibiting discriminatory or arbitrary governmental decisions.

Title VII

Title VII prohibits workplace discrimination, protecting employees from retaliatory actions when asserting legal rights and ensuring equitable treatment across protected categories.

29 U.S. Code Chapter 15 - OSHA

Occupational Safety and Health Act establish workplace safety standards, empowering employees to raise safety concerns without retaliation and ensuring employers maintain safe working environments.

California Fair Employment and Housing Act

Fair Employment and Housing Act "FEHA" provides comprehensive employment protections, extending beyond federal statutes to safeguard employees from discriminatory practices and arbitrary workplace decisions.

Statement of Administrative Proceedings

I, Jacquelyn Annette Miller, Sui Juris, was precluded from employment from Torrance Unified School District "TUSD" and placed on an indefinite unpaid status for not complying with the Covid-19 mandate "CM" under Emergency Use Authorization "EUA", violating my contract agreement.

None of the emails or letters I received from TUSD administration ever stated the injection, mask, or testing were under EUA. According to federal law, they were under EUA. This omission prevented transparency to all.

As a pediatric nurse of 43 years, I researched the medical and scientific aspects of the CM under EUA. My spiritual insight, lack of health issues, after effects with previous injections, combined with this research, led me to decline the injection and testing.

In the *National Federation of Independent Business v. OSHA*, 595 U.S. 109 (2022), Supreme Court invalidated OSHA's vaccine-or-test mandate for large employers, holding the agency exceeded its statutory authority. The Court emphasized that such broad public health measures must be legislated by Congress, not imposed administratively.

I initially sought resolution with Dylan "Farris", Chief Personnel Officer of human resources in TUSD since he sent emails regarding the CM (injection and testing) and preclusion. Keith "Butler" sent emails re: the CM (masks).

For clarification as to why all named in the caption are inclusive in this case, the board members voted in and adopted the mandate, the superintendent executed it, and the head of human resources and business enforced it, demonstrating a concerted action and joint enterprise in the implementation; all collaboratively known as Wrongdoers; noted on lower court caption sheets.

On September 16, 2021, I mailed Farris my Affidavit of Unalienable Rights to address my numerous concerns regarding health, safety, spiritual belief – First Amendment, informed consent, CM under EUA, etc., before being precluded. He acknowledged receipt on Sep. 22, 2021 in his email dated Sep. 27, 2021. Farris, et al never asserted the affidavit was unintelligible or incomprehensible, never requested clarification, and never claimed inability to understand it. Despite the stipulated

deadline to respond, Farris did not respond as stipulated, made no rebuttal, and raised no objection. His silence was deliberate, not a product of confusion or misunderstanding. Farris did state I had prior to the start of the day on Oct. 15, 2021 to get the CM.

Since I did not receive a proper response, under penalty of perjury, from Farris, appropriate lawful notices were sent as follows: a courtesy notice was faxed on October 2, 2021, and served on October 4, 2021; default and estoppel notices were faxed on October 7, 2021, and served on October 8, 2021; after an email Bcc'd to all alleged employees on Oct. 8, 2021 stating employees have to the end of the workday Friday, but I was specifically told prior to the beginning of the workday on Friday, and testing will be a prerequisite for work as of Monday, Oct. 18, 2021. A notice of liability was faxed on October 11, 2021, and served on October 12, 2021. Farris sent another email

on Oct. 12, 2021 reiterating I have until the prior to the start of the work day on Oct. 15, 2021 and referencing his Sep. 27, 2021 email.

I never received a proper response nor any other communication, only addressing the CM from Farris, so on Oct. 14, 2021 @ 3:10 pm I left an outgoing email for the parents stating I was precluded and why. I also put in a request for a substitute nurse to service the school; following appropriate protocol for absences. On Oct. 15, 2021, Farris and Keith "Butler" were served a notice of violation of estoppel on the day of preclusion. All documents are collectively known as "vital submissions". All notices were signed by two witnesses and notarized. Farris violated my due process rights by precluding me from employment without substantively addressing the merits of my documented critical concerns.

On Oct. 15, 2021, Farris emailed me at the school site acknowledging my outgoing message and sent me a letter misconstruing that I opted to take an unpaid leave although he never addressed my concerns in the affidavit. On Oct. 20, 2021, I responded to deny his allegation.

All vital submissions were noted without prejudice and all rights reserved. I also included Notice to Agent is Notice to Principal... on all notices to ensure all involved parties were informed.

These submissions collectively demonstrated good faith efforts to resolve the dispute administratively, strictly complied with due process requirements, met applicable lawful standards, and provided the Wrongdoers ample opportunity to controvert the affidavit.

On my pay schedule, I was paid on the 5th and 20th of each month. Immediately after serving the

Notice of Violation of Estoppel, I was not paid on my scheduled payday despite years of automatic deposit being in place—my payment was delayed two weeks. This deprivation of earned wages without notice or opportunity to be heard is a due process violation.

For the record, TUSD gets pre-allocated funds for staff salaries before July 1st each year and received over $36 million in COVID-19 relief funds which CARES Act was explicitly designated for maintaining employee compensation of existing staff, which included the substitute nurse in place of my position.

Although Education Code § 45192(d) grants governing school boards discretionary authority over leave provisions, the board's implementation of unpaid leave—despite available funding—constitutes arbitrary and retaliatory action that exceeds legitimate administrative discretion and appears

deliberately designed to coerce compliance with the CM.

Subsequently during this period, I exhausted my savings borrowed two $10,000 loans and was forced to withdraw my personal PERS contributions, thereby losing the employer's contribution due to the enforced leave that inevitably mandated me into retirement.

Xerox Corporation v. Local 14A, Rochester Regional Joint Board, Xerographic Division Workers United, No. 23-634 (2nd Cir. 2025) and *Board of Trustees of the Police and Firemen's Retirement System v. City of Atlantic City*, WL 5793410 (3rd Cir. 2016), rulings highlight the complexities in determining the nature of retirement benefits, especially regarding vesting and the ability of employers to amend benefits. *Kerns v. CalPERS*, 804 F.3d 1024, 1028-1029 (9th Cir. 2015) definitively

established that public employee retirement benefits constitute a protected property interest, providing robust due process protections for public employees accumulated retirement rights.

M&G Polymers USA, LLC v. Tackett, 574 U.S. 427 (2015), and *Allied Chemical & Alkali Workers of America v. Pittsburgh Plate Glass Co.*, 404 U.S. 157 (1971) both precedent cases in labor law, explore the interpretation of contract language related to retiree benefits and the enforceability of arbitration provisions.

The Ninth Circuit panel purported de novo substantive review; they contradicted their own standard and Supreme Court precedent by failing to acknowledge that the employer did not allocate their contribution when I was forced to withdraw my PERS retirement.

On September 14, 2022, I was unexpectedly asked via email to return to work on September 19, 2022—five days' notice—while litigation was pending and without a Notice of Reasonable Assurance for school year 2022–2023.

In the copies of emails I received from TUSD, I noticed that 3 emails were Bcc'd to Spencer E. "Covert," the Wrongdoer's counsel in this proceeding, It indicated an undermining action; Covert had no legitimate interest in my employment status or any information unrelated to the proceeding without my knowledge.

While corresponding with Farris, I raised concerns about the workplace environment, mainly safety. Given the ongoing litigation, I was concerned about potential retaliation or adverse treatment from administration and he never responded.

I later sent a letter and email requesting leave, hoping the case would be resolved and ease my uncertainty about returning safely—but neither were addressed.

I was informed that the district would hold a Skelly hearing on December 9, 2022; where they decide termination. During the hearing I brought up my safety concerns not being addressed, but they were still consistently ignored. *Harris v. City of New York*, 47 F.3d 1040 (2d Cir. 1995), emphasized the necessity of due process in administrative hearings regarding property interests. *Cleveland Board of Education v. Loudermill*, 470 U.S. 532 (1985), held that public employees have a property interest in their jobs and are entitled to due process before termination.

Ultimately, the TUSD board members terminated my employment on Jan. 17, 2023 in direct disregard of these critical safety concerns and the

obvious fact we were in litigation together. After receiving a letter from Marion "Schugt" and Carrie "Skoll" affirming termination by the board, I mailed Schugt an Affidavit of Truth in Response to Termination Letter including their late DEMAND FOR HEARING and APPEAL.

Under *Poland v. Department of Homeland Security*, 505 F.3d 1011 (9th Cir. 2007), the Ninth Circuit established that employers are liable when biased subordinates influence independent decision-makers. The panel departed from their own precedent and that of other circuits, including *Murray v. New York University*, 57 F.3d 243 (2d Cir. 1995). Most significantly, they violated the Supreme Court's binding authority in *Staub v. Proctor Hospital*, 562 U.S. 411 (2011) by failing to review the preclusion and termination in which my concerns weren't addressed.

After the Wrongdoer's non-response to my concerns in the affidavit, violation of estoppel and punitive measures, which violated my Right of due process, protected by the Fifth and Fourteenth Amendments, by the preclusion a day before other similarly situated employees, I was compelled to seek judicial review to vindicate my fundamental constitutional protections in district court.

Statement of the Case

The judicial proceedings below demonstrate a systematic pattern of procedural violations that cumulatively denied me meaningful judicial review and violated fundamental due process protections under the Fifth and Fourteenth Amendments, as well as statutory protections under Title VII, OSHA, and right to trial by jury in the Seventh Amendment.

On December 3, 2021, I filed an Ex Parte with an appropriate Ex Parte cover sheet, my affidavit, all

notices, etc., were attached as exhibits to my Ex Parte filing, in the United States District Court Central District of California in Los Angeles.

Under established due process principles, and FRCP Rule 5(d)4 filing occurs upon delivery to the clerk, regardless of subsequent procedural technicalities. This procedural defect prevented my Ex Parte from being properly entered into the case record, which itself denied me fair notice and opportunity to be heard on the merits.

On December 3, 2021—the exact day I filed my Ex Parte—Butler issued a Rejection of Notice of Estoppel. Notably, he never addressed, disputed, controverted, or rebutted the affidavit or estoppel violation on their merits. Instead, he invoked Government Code Section 945.6, imposed a six-month statute of limitations, and instructed me to seek counsel "immediately."

An estoppel in its broadest sense is an equitable doctrine that prevents a party to a lawsuit from asserting a right or fact that is contrary either to the party's past conduct and previous allegations or denials. (Definition found on Westlaw website: https://content.next.westlaw.com/Glossary) In this case, the employer's continued threats of preclusion and eventual termination, despite receiving my affidavit and notices of estoppel, constituted conduct that should have triggered estoppel protection—yet the courts never substantively reviewed this claim.

On December 9, 2021, Chief Judge Philip Gutierrez rejected my Ex Parte filing solely because it lacked a civil cover sheet but had an Ex Parte cover sheet. This rejection violated FRCP Rule 5(d)4. I refiled it on Dec. 28, 2021 and it was denied by Judge Otis D. "Wright".

Rather than adjudicating my uncontroverted vital submissions, Wright mischaracterized my Ex Parte filing as seeking emergency injunctive relief to prevent TUSD, et al from enforcing the CM, thereby imposing an improper procedural barrier when non-response itself provides sufficient grounds for Ex Parte adjudication.

The claim for injunctive relief or any other remedy available was under emergency since I lacked monthly wages, with increased debt (loans) due to the unpaid preclusion.

My Ex Parte sought judicial adjudication of the employer's acquiescence to address my concerns in the uncontroverted affidavit, establishing estoppel by continuing to enforce the CM and not addressing my critical concerns before the preclusion causing due process violations.

This filing was procedurally proper because my uncontroverted affidavit established a prima facie case under Supreme Court precedent and the employer's failure to respond and address my health, safety, informed consent, EUA and spiritual belief and other concerns before precluding me provided sufficient grounds for Ex Parte adjudication since I was denied due process. *Reeves v. Sanderson Plumbing Products, Inc.*, 530 U.S. 133 (2000) principle emphasized if the evidence presented by the plaintiff is not disputed by the defendant, it can be sufficient to meet the prima facie standard.

The Ex Parte presented a recognized basis for expedited judicial review without the formalities demanded of standard complaints.

By forcing me to abandon the Ex Parte process and reframe my claim as a formal complaint, the judge

created unnecessary legal obstacles that obstructed my most direct path to judicial review.

Armstrong v. Manzo, (380 U.S. 545, 1965) and *Mullane v. Central Hanover Bank*, (339 U.S. 306, 1950) established foundational principles of meaningful notice, underscoring that procedural due process requires a judge to provide a genuine opportunity for meaningful engagement, particularly in Ex Parte proceedings where judicial discretion must be exercised with strict adherence to constitutional notice principles.

Consequently, I filed a "complaint" as directed by the judge, solely to preserve my right to due process and have my vital submissions adjudicated, subsequently amending the claim up to a fourth repetition. My Fourth Amended Claim was dismissed and opposing counsel's motion to dismiss was granted by Sykes on Jul. 28, 2023.

I filed an Affidavit for Objection to Wrongdoer's Notice of Motion and Motion to Dismiss Fourth Amended Claim on May 30, 2023.

Throughout this proceeding, magistrate Alka "Sagar", presided over the case, without consent from all parties and repeatedly struck a multitude of my supportive filings, including a Notice of Immediate Summary Judgment, which exceeded her jurisdiction and without motions from the opposing counsel.

In re: United States, 397 F.3d 103 (3rd Cir. 2005) analyzed magistrate judge jurisdiction in pretrial matters. *Sellars v. United States*, 870 F.2d 1093 (7th Cir. 1989) examined the critical procedural limitations of magistrate judge authority. *Roell v. Withrow*, 538 U.S. 580 (2003) reinforces that under Federal Rule of Civil Procedure 73(b), consent from all parties must be communicated properly on the record for a magistrate judge to exercise jurisdiction.

The Ninth Circuit panel deviated from established precedent by failing to address this fundamental jurisdictional defect.

Initially, Judge Otis D. Wright II and Magistrate Sagar were properly assigned to the case in Los Angeles on Dec. 28, 2021. However, without consent from either party, Judge Fred W. Slaughter assigned in Santa Ana on Apr. 20, 2022, and lastly Judge Suzanne Sykes assigned in Riverside on Jun. 21, 2022, for creation of calendar, despite the incident occurring in Los Angeles.

These unconsented venue changes/judicial assignments without motions/notices violated due process and deprived me of proper jurisdiction and created a conflict of interest. As outlined in 28 U.S.C. § 1404(a), ...in the interest of justice, a district court may transfer any civil action to any other district or division...to which all parties have consented.

In *Menchaca v. Chrysler Credit Corp.*, 613 F.2d 507, 511-512 (5th Cir. 1980), *Hernandez v. Ruggiero*, 834 F.2d 595, 597-598 (7th Cir. 1987), and *Cuevas v. United States*, 595 F.2d 667, 669-670 (10th Cir. 1979), each addressed the critical principle of strict jurisdictional boundaries and limitations on judicial authority when challenged.

Landmark Supreme Court precedent from *Sheldon v. Sill*, 49 U.S. 441 (1850), unequivocally demonstrates that jurisdictional boundaries are strictly defined, supporting the fundamental legal principle that judges cannot arbitrarily hear cases outside their prescribed jurisdiction.

The Ninth Circuit panel notably diverged from established precedent by failing to address the district judge's lack of jurisdiction.

To Be Heard by an Article III Compliant Judicial Officer Only and/or No stipulation to

Magistrate to Preside or the like was placed on the majority of my caption sheets to eliminate any doubt about who was to hear my case, yet it was ignored; no consent was given to the magistrate to preside, ever.

On May 27, 2022, I dismissed TUSD from the defendants since it was mistakenly added. On June 6, 2022, the opposing attorney wrote a motion to dismiss the case including TUSD as a party. I objected to his motion.

On Jun. 6, 2022, opposing counsel filed a motion to dismiss for failure to state a claim. However, the Wrongdoer's failure to respond to or rebut my affidavit—which detailed crucial concerns regarding informed consent, health, safety, and spiritual belief—constituted an admission and established sufficient facts to state a viable claim. *Ashcroft v. Iqbal*, 556 U.S. 662 (2009) emphasized that a complaint must contain sufficient factual matter to

state a claim that is plausible on its face. *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007) set the standard that mere conclusory statements do not suffice to state a claim; the allegations must be supported by factual content. My vital submissions—culminating in the Notice of Violation of Estoppel—constitute the factual content to satisfy *Iqbal* and *Twombly*.

On Jul. 14, 2022, I filed a Compulsory Notice of Objection of Magistrate to Preside Over this Case which was denied by Sykes on 08/01/2022, there was no consent from all parties on the court of record.

Sagar had stricken so many of my filings so on Jul. 27, 2022 I filed a Compulsory Notice to Reinstate All Stricken Notices by Sagar. A complete record of all filings that were stricken during the proceedings in district court are in the docket.

On Aug. 23, 2022, a notice of appearance or withdrawal was filed, Jonathan Mott left, and Spencer E. Colvert took over, both claiming TUSD as a party and no judicial officer corrected it. This act is known as professional misconduct, misrepresentation and fraud.

On Sep. 2, 2022, in Ninth Circuit case #22-55764, I filed a Response in Objection to Motion for Summary Affirmance or Dismissal and the panel M. Smith, Bress and Vandyke on Sep. 23, 2022 granted the appellees motion to dismiss the appeal.

On Oct. 12, 2022, I filed a Compulsory Notice for Peremptory Challenge on Sykes lacking jurisdiction, due to apparent bias, particularly for agreeing with the magistrate's unlawful actions of striking my supporting documents without opposing motions or jurisdiction. Sykes unlawfully denied her own peremptory challenge on Nov. 18, 2022.

Caperton v. A.T. Massey Coal Co., 556 U.S. 868 (2009) established that due process requires disqualification when there's a serious, objective risk of actual bias.

Judicial precedents from multiple circuit court judges—including *Cuevas v. United States*, 595 F.2d 667, 669-670 (10th Cir. 1979), *Hernandez v. Ruggiero*, 834 F.2d 595, 597-598 (7th Cir. 1987), and *Menchaca v. Chrysler Credit Corp.*, 613 F.2d 507, 511-512 (5th Cir. 1980)—have consistently delineated the paramount importance of maintaining strict judicial jurisdictional limits.

Sheldon v. Sill, 49 U.S. 441 (1850) seminal ruling further reinforces this principle, emphatically establishing that judicial authority cannot be exercised beyond prescribed boundaries.

Consequently, the Ninth Circuit panel's failure to scrutinize and address Syke's jurisdictional

propriety represents a significant departure from well-established judicial standards.

Throughout these proceedings, no pre-trial conference was mentioned or ordered by any judicial officer, pursuant to FRCP Rule 16(b)(2). As a first-time litigant in district court, I was unaware of pre-trial conferences and the significance of this omission—that the absence of such a hearing denied a critical opportunity for judicial review and compromised due process protections.

I had had enough of the due process violations and on Feb. 24, 2023 filed a Notice and Demand to All Judicial Officers Regarding Due Process Violations to Cease and Desist, Sagar struck it off of the record.

On Apr. 26, 2023, Alma Felix, the clerk for Sagar, sent me a threatening notice to filer for discrepancies for not using Sagar and Sykes initials when I explicitly peremptorily challenged Sykes who

lacked jurisdiction and Sagar was without jurisdiction or consent, so I used PSG, chief judge's initials. I did write a private notice to the chief judge regarding the procedural defects and his duty was to address the defects and assign another judge in Los Angeles to the case but failed to do so.

On Apr. 27, 2023, I properly filed a fifth amended claim "5AC" with new evidence of termination, in accordance with FRCP rule 15(a)(1). I made it clear in the "5AC" that all parties were involved as Sagar consistently instructed me, mailed to Farris and caption page to opposing representative the same day.

Sagar struck the 5AC from the record for redundancy without jurisdiction, without a motion from the opposing party, and without addressing the new evidence of termination—violating my due process right to be heard on the merits.

Beeck v. Aquaslide 'N' Dive Corp., 562 F.2d 537 (8th Cir. 1977), supports the idea that amendments should be allowed unless there is a showing of undue delay or prejudice to the opposing party. *Hoffman v. B. & B. Auto,* 201 F.3d 1234 (9th Cir. 2000) followed Foman, allowing amendments unless there is a showing of prejudice or bad faith.

Foman v. Davis, 371 U.S. 178 (1962), emphasizes that leave to amend should be freely given when justice so requires. The Ninth Circuit panel never addressed the procedural anomaly of the magistrate, without jurisdiction, unlawfully striking the fifth amended claim containing new evidence of termination retaliation, thereby violating *Foman* and went against their own precedent in *Hoffman.*

Circuit Court judges have consistently supported pro se litigants' rights: *Gordon v. Leeke*, 574 F.2d 1147 (4th Cir. 1978) highlighted the need for

courts to provide pro se litigants with opportunities to amend, and *Hall v. Bellmon*, 935 F.2d 1106 (10th Cir. 1991) established that pro se litigants should be given leeway in presenting their claims.

Ultimately, the Supreme Court in *Haines v. Kerner*, 404 U.S. 519 (1972), definitively emphasized that pro se complaints should be held to less stringent standards, providing the highest judicial endorsement of these principles. These cases collectively support the principle that pro se litigants should receive comprehensive judicial review, ensuring that their claims are not dismissed prematurely.

While the Ninth Circuit previously established in *Eldridge v. Block*, 832 F.2d 1132 (9th Cir. 1987) that pro se complaints should be liberally construed to ensure fair access to justice, the panel paradoxically failed to apply this standard when affirming the unlawful dismissal of my case; and not addressing

that the magistrate lacked jurisdiction to strike the 5AC directly contradicting its own established precedent.

Terminating my employment without addressing safety concerns raised before, during or after the Skelly hearing, violated Title VII and OSHA. The Wrongdoer's actions also violated FEHA which provides comprehensive employment protections, extending beyond federal statutes to safeguard employees from discriminatory practices and arbitrary workplace decisions.

Miller v. Texas Tech University, 421 F.3d 342 (5th Cir. 2005), exemplifies an employer's potential liability when discriminatory actions influence employment decisions, particularly when employee concerns remain unaddressed and *Harris v. United States*, 942 F.2d 1230 (8th Cir. 1991) addressed

retaliation claims; affirmed that employees are protected when refusing unsafe tasks.

Whirlpool Corp. v. Marshall, 445 U.S. 1 (1980) supersedes prior circuit court judge's rulings by definitively affirming that OSHA protects employees from discrimination if they refuse to work due to a reasonable fear of death or serious injury.

The Ninth Circuit panel's decision directly contradicts *Whirlpool* by affirming the lower court judge's decision without addressing the termination and created a circuit split by departing from binding law, thereby violating my due process.

A Demand for Trial By Jury or something similar was included in the caption on almost all filings and in the body of the fifth amended claim pursuant to FRCP Rule 38, Right to a Jury Trial; Demand. I was denied my right to a trial by jury which

violated my protected Seventh Amendment Right and due process.

Munson v. Friske, 754 F.2d 683, 686-687 (7th Cir. 1985) meticulously examined the procedural intricacies of jury trial rights, reinforcing the constitutional safeguards that protect one's right to a trial by jury. Recently in *AT&T v. FCC*, No. 24-60223 (5th Cir. 2025) ruled on April 17, 2025, that the FCC's $57 million forfeiture order against AT&T violated the company's Seventh Amendment right to a jury trial, deeming the FCC's internal adjudication process unconstitutional.

Tull v. United States, 481 U.S. 412 (1987) and *Granfinanciera, S.A. v. Nordberg*, 492 U.S. 33 (1989) are both precedent cases that address the right to a trial by jury under the Seventh Amendment in civil cases.

Ninth Circuit panel diverted from precedent and denied my Seventh Amendment right to a trial by jury by affirming Syke's dismissal and not acknowledging it in my filings during their alleged substantive review de novo, thereby violating binding constitutional law, established precedent and due process.

I eventually filed a Writ of Mandamus on Jun. 1; 2023 to try and save my case from all of the procedural anomalies but it went on deaf ears.

On July 28, 2023, Sykes, without jurisdiction, making the judgment null and void, granted the opposing representative's motion to dismiss and dismissed my case with prejudice without substantive judicial review of my uncontroverted affidavit.

The judicial standard articulated in *Bonner v. Circuit Court of St. Louis*, 526 F.2d 1331, 1334 (8th Cir. 1975), mandates that courts cannot dismiss a pro

se action if any possible legal theory might provide relief, thereby ensuring comprehensive judicial review. *Davis v. Baugh*, 202 F.3d 1000 (3d Cir. 2000) Reinforced that pro se complaints should be construed liberally to avoid dismissal.

The Supreme Court in *Conley v. Gibson,* 355 U.S. 41, 45-46 (1957), established the definitive principle that courts cannot dismiss a complaint unless it appears 'beyond doubt' that the plaintiff can prove no set of facts supporting their claim—a principle Ninth Circuit judges critically overlooked in the substantive review.

In the Ninth Circuit on Aug. 16, 2023, I filed an appeal to hopefully get my uncontroverted affidavit and estoppel claim adjudicated lawfully.

On Oct. 16, 2023, I filed My (Aggrieved) Opening Brief. And on Jan. 2, 2024, I filed My (Aggrieved) Reply Brief.

On Dec. 11, 2023, I filed a Notice of Procedural Defects, Lack of Jurisdiction and Void Judgment. The panel did not respond to it.

On December 20, 2023, a termination regarding TUSD and opposing counsel occurred. I never received a copy of the termination notice, nor did I receive notice of admission for any opposing counsel other than Covert. (I did include Elizabeth L. Nguyen's name on envelopes for filings mailed to Covert after receiving her reply brief in the Ninth Circuit.) I only learned of the termination when I received the docket as part of a requested, comprehensive certified copy of the Ninth Circuit case—which I filed in November and which itself was neither certified nor complete.

On Oct. 16, 2025, O'Scannlain, Silverman, and N.R. Smith filed a memorandum affirming Syke's judgment, in which I received on Nov. 3, 2025. The panel never mentioned my concerns in the

uncontroverted affidavit not being addressed by the employer nor the violation of the estoppel. Proving a thorough substantive review de novo was not carried out, denying my due process.

On Nov. 17, 2025, My Petition for Rehearing and Potential Rehearing En Banc was filed; I never received a response from the panel whether they accepted my petition or not.

Since I did not receive a response, on Nov. 24, 2025, I called the clerk of Ninth Circuit and to inform her of my documents and SASE that were not returned to me and no response from my petition. I also emailed the clerk who informed me that my petition was late according to Rule 40(d) and I explained to her I don't e-file I paper file and what the rule stated. I was advised to file a motion to accept the late petition for rehearing. I filed a Notice to Accept

Petition for Rehearing on Dec. 2, 2025. On Dec. 4, 2025, the panel denied it.

On Dec. 19, 2025, I filed a Notice of Judicial Intervention Vacatur of Procedurally Compromised Proceedings. I received my copy filed stamped but no response from the panel.

In order not to lose my case, on Jan. 5, 2026, I filed a Compulsory Notice to Stay Proceedings which was received stamped, violation of due process and no response from the panel.

The presence of numerous unsigned orders, judgments, etc., in this case in district court and Ninth Circuit which indicates significant judicial anomalies that undermine the integrity and transparency of the judicial process. This lack of proper documentation raises concerns about the adherence to procedural standards and the right of due process of the parties involved.

Throughout these entire proceedings, I proved the Wrongdoers never addressed my critical concerns in the affidavit or in their administrative proceedings but I was still precluded and later terminated. And yet I was never afforded the opportunity to be heard on the merits, through oral argument or comprehensive substantive review of my paper filings.

Reasons for Granting the Writ

Circuit Split or Departure From Precedent

The Fifth, Seventh, and Eleventh Circuits consistently hold that unrebutted affidavits must be treated as uncontroverted facts: *United States v. Berger*, 375 F.3d 1223 (5th Cir. 2004); *United States v. Kis*, 658 F.2d 526 (7th Cir. 1981); *Avirgan v. Hull*, 932 F.2d 1572 (11th Cir. 1991) and *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242 (1986), established that uncontroverted evidence must be accepted as true.

The Ninth Circuit panel departed from *Pinnacle Armor, Inc. v. United States*, 648 F.3d 708 (9th Cir. 2011), their own standard, by affirming dismissal of my uncontroverted affidavit without substantive review, departing from precedent.

Due Process Violation

Mathews v. Eldridge, 424 U.S. 319 (1976), established meaningful judicial review is constitutionally required before deprivation of a property or liberty interest. Syke's order of the dismissal violated procedural due process.

Sagar lacked jurisdiction (no party consent); Sykes who dismissed the case lacked jurisdiction (from another district, under peremptory challenge). Dismissal by a judicial officer without jurisdiction is null and void and violates due process.

This case implicates fundamental principles of judicial review and fair process for all litigants. The

systematic dismissal of uncontroverted claims without comprehensive substantive review affects countless self-presented parties across federal courts.

This Court's resolution is necessary to restore uniformity to federal judicial standards and protect access to righteous justice.

Violation of Stare Decisis

This Court should grant certiorari to review whether federal court judges violated the right to judicial review by systematically refusing to address uncontroverted affidavits on the merits, contrary to established principles of due process and stare decisis.

Planned Parenthood v. Casey, 505 U.S. 833 (1992), reinforced the principle that courts must follow established precedent. The panel violated this foundational principle by refusing comprehensive substantive judicial review of uncontroverted facts.

Conclusion

This Court should grant certiorari to resolve whether dismissal of a claim based on an uncontroverted affidavit and explicit estoppel notice, without substantive judicial review, violates the Due Process Clause. *Goldberg v. Kelly*, 397 U.S. 254 (1970), established meaningful judicial review is constitutionally required.

The lower court judges failed the *Mathews v. Eldridge*, 424 U.S. 319 (1976) test: (1) I had a significant property interest (employment, PERS); (2) the risk of erroneous deprivation was high—no substantive review of uncontroverted facts; (3) the government's burden to review the affidavit was minimal. The lower court judges violated procedural due process by dismissing without addressing the uncontroverted affidavit or estoppel claim notably

since the employer never addressed my uncertainty about the CM under EUA.

The uncontroverted affidavit has never been administratively adjudicated by the employer or judicially adjudicated by either lower court. The complete record requires no further proceedings. This Court should grant certiorari and reverse.

This Court must intervene to establish uniform standards for judicial review of uncontroverted affidavits with critical concerns and estoppel claims, ensuring all litigants nationwide have predictable access to justice and lawful substantive review and adjudication of their cases without lacking due process.

By: Jacquelyn Annette Miller

On this third day of March of the year 2026 A.D.
Witness: Our **Creator**; Proverbs 15:3 and Jeremiah 23:24