

No. 25-1303

In the Supreme Court of the United States

CARYN DEVINS STRICKLAND, PETITIONER

v.

NANCY L. MORITZ, JUDGE, IN HER OFFICIAL CAPACITY
AS CHAIR OF THE JUDICIAL CONFERENCE COMMITTEE
ON JUDICIAL RESOURCES, ET AL.

*ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT*

BRIEF FOR THE RESPONDENTS IN OPPOSITION

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QUESTIONS PRESENTED

1. Whether the Fifth Amendment requires that the specific provisions of Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.*, be extended to employees of the judicial branch even though those employees already have access to similar procedures, rights, and remedies under local employment dispute resolution plans.

2. Whether petitioner is entitled to relief under Section 505 of the Congressional Accountability Act of 1995, which directed the Judicial Conference of the United States to “prepare a report * * * on the application to the judicial branch of the Federal Government of * * * title VII.” Pub. L. No. 104-1, § 505(2), 109 Stat. 41 (2 U.S.C. 1434).

PARTIES TO THE PROCEEDING

Petitioner (plaintiff-appellant below) is Caryn Devins Strickland.

Respondents (defendants-appellees below) are the Honorable Nancy L. Moritz, in her official capacity as Chair of the Judicial Conference Committee on Judicial Resources; Robert J. Conrad, in his official capacity as Director of the Administrative Office of the U.S. Courts; the Honorable Albert Diaz, in his official capacity as Chief Judge of the Fourth Circuit and as Chair of the Judicial Council of the Fourth Circuit; James N. Ishida, in his official capacity as Circuit Executive of the Fourth Circuit and as Secretary of the Judicial Council of the Fourth Circuit; and John G. Baker, in his official capacity as Federal Public Defender for the Western District of North Carolina.

ADDITIONAL RELATED PROCEEDINGS

United States Court of Appeals (4th Cir.):

Strickland v. United States, No. 22-1963 (Oct. 18, 2022)

In re Strickland, No. 23-2132 (Nov. 28, 2023)

In re Strickland, No. 24-1353 (Aug. 20, 2024)

Strickland v. Moritz, No. 24-2056 (Aug. 15, 2025)

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OPINIONS BELOW

The opinion of the court of appeals (Pet. App. 1a-56a) is reported at 149 F.4th 378. A prior opinion of the court of appeals is reported at 32 F.4th 311. The findings of fact, rulings of law, and order of the district court (Pet. App. 57a-331a) are reported at 744 F. Supp. 3d 477. Prior memoranda and orders of the district court are reported at 510 F. Supp. 3d 336 and 683 F. Supp. 3d 494.

JURISDICTION

The judgment of the court of appeals was entered on August 15, 2025. A petition for rehearing was denied on December 1, 2025, and, for rehearing en banc, on December 18, 2025 (Pet. App. 332a-334a). On March 11, 2026, the Chief Justice extended the time within which to file a petition for a writ of certiorari to and including

May 17, 2026, and the petition was filed on May 18, 2026 (Monday). The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

STATEMENT

1. The federal judiciary does not tolerate discrimination, harassment, or retaliation in the workplace. Decades ago, the judicial branch created a Model Equal Employment Opportunity Plan, which laid out meaningful and effective procedures to ensure that any workplace misconduct is quickly reported, investigated, and corrected. Over the years, the judiciary has made changes to this Model Plan to address the needs of its workforce, and every federal court of appeals, district court, and federal public defender office is covered by a locally adopted Plan based on this model.

This case focuses on the Fourth Circuit’s 2013 Employment Dispute Resolution Plan. See D. Ct. Doc. 248-3 (June 7, 2023) (EDR Plan). The EDR Plan, like its predecessor and successor plans, prohibited “wrongful conduct,” defined to include discrimination against employees based on race, color, religion, sex (including sexual harassment), national origin, and disability. EDR Plan, Ch. II, § 1. It prohibited harassment “based upon any of these protected categories or retaliation for engaging in any protected activity.” *Ibid.*

This case implicates two of the EDR Plan’s chapters; one, Chapter IX, addressed “report[s] of wrongful conduct,” while the other, Chapter X, provided the dispute resolution procedures to address a “claim[]” of denial of rights granted under the Plan. EDR Plan, Chs. IX, X, § 1. Chapter IX, a half-page-long section in the Plan, encouraged anyone aware of potential wrongful workplace conduct—whether victim or witness—to report the conduct so that an investigation could occur as

appropriate. See *id.*, Ch. IX; Pet. App. 71a. Such an investigation could ultimately lead to disciplinary action against the alleged wrongdoer for substantiated claims. EDR Plan, Ch. IX; Pet. App. 71a. Chapter IX “does not provide any employee with any rights or remedies.” Pet. App. 23a, 71a.

Chapter X, by contrast, set forth the process for an employee to bring a “claim” and to seek redress. See EDR Plan, Ch. X; Pet. App. 4a, 71a-74a. The 2013 EDR Plan set forth three stages for a Chapter X proceeding: counseling, mediation, and a formal complaint filed with an EDR Coordinator and resolved by a judicial officer. See EDR Plan, Ch. X, §§ 1, 8-10; Pet. App. 4a-5a, 71a-74a. “If counseling and mediation were unsuccessful, the employee could then file a formal Chapter X complaint, which would trigger a full evidentiary hearing conducted by a presiding judicial officer and which could result in a wide range of potential remedies.” Pet. App. 4a-5a. The remedies that could be awarded by the judicial officer under Chapter X could include, but were not limited to, “back pay and associated benefits,” “placement of an employee in a position previously denied,” “placement in a comparable alternative position,” and “reinstatement to a position from which previously removed.” EDR Plan, Ch. X, § 12(A) and (B). The presiding judicial officer would be either “the Chief Judge of the United States Court of Appeals for the Fourth Circuit”—at the time relevant to this case, the Honorable Roger L. Gregory—or the Chief Judge’s “designee.” *Id.*, Ch. X, §§ 1(B), 10(B)(1).

2. This case arises from a Chapter IX report and subsequent Chapter X claim by petitioner in 2018. Pet. App. 5a.

Petitioner is an attorney who was employed from August 2017 until March 2019 by the Office of the Federal Public Defender for the United States District Court for the Western District of North Carolina, which is a part of the judicial branch and was therefore covered by the 2013 EDR Plan. See Pet. App. 78a, 143a. When she started in the office and for several months thereafter, petitioner had a “friendly professional relationship” with her assigned mentor, the First Assistant Defender. *Id.* at 81a. Petitioner and the First Assistant went to lunch together several times, and on several occasions the two went out for drinks together, at his invitation or hers. *Id.* at 82a. Petitioner got married in April 2018, and starting about a month later, she “began politely to decline [the First Assistant’s] invitations” to continue socializing over drinks, though she “did not directly tell [the First Assistant]” that the reason was that she had become “uncomfortable” around him. *Id.* at 82a-83a.

In August 2018, petitioner reported to then-Federal Public Defender Anthony Martinez that she believed the First Assistant’s conduct had risen to the level of sexual harassment. Pet. App. 5a. Consistent with Chapter IX of the EDR Plan, Martinez promptly began a “wrongful-conduct” investigation regarding the allegations against the First Assistant. *Ibid.* A month later, petitioner filed her own request for counseling under Chapter X of the EDR Plan so that she could pursue remedies for herself. *Ibid.* In her Chapter X request, petitioner reiterated her assertion that she had been harassed by the First Assistant and further alleged that Martinez had retaliated against her for reporting the First Assistant’s conduct. *Id.* at 5a, 157a; see D. Ct. Doc. 248-2, at 3-9 (June 7, 2023).

An HR Specialist was appointed to investigate petitioner’s allegations. Pet. App. 5a. The HR specialist ultimately concluded, among other things, that the evidence in support of petitioner’s harassment claim was “very flimsy” and that there was not “a case for retaliation.” *Id.* at 187a, 227a; see *id.* at 184a-194a.*

While that investigation was ongoing, petitioner pursued the first two steps of the Chapter X process—counseling and mediation—before she voluntarily withdrew from the Chapter X process. Pet. App. 5a. At the mediation stage, led by the Circuit Mediator, petitioner ultimately asked for (and obtained) assistance securing a new job as a term law clerk for a Fourth Circuit judge. *Id.* at 212a-215a. Petitioner then resigned from the Federal Public Defender’s Office to accept the position as a law clerk, with no break in employment and with a salary comparable to what she had been earning in the Federal Public Defender’s Office. See C.A. Supp. App. 122-123, 137.

Although nothing would have precluded petitioner from proceeding to the formal hearing stage on her Chapter X claim after leaving the Federal Public Defender’s

* The government has maintained throughout this litigation that petitioner was never subject to actionable sexual harassment or retaliation, and the evidence on which petitioner has relied in making the contrary assertions is exceedingly thin. See D. Ct. Doc. 385, at 39-45, 52-56 (Jan. 2, 2024) (government’s post-trial brief). As discussed below, petitioner’s claims in this case focus on the adequacy of the judiciary’s response to her allegations of harassment rather than the allegations themselves. The lower courts concluded that it was therefore unnecessary to resolve the parties’ dispute as to whether harassment had occurred in the first place. See Pet. App. 235a-236a, 251a. And they rejected the retaliation-related claims in holdings that petitioner does not now challenge. See *id.* at 39a-40a, 277a-295a.

Office, see Pet. App. 26a-27a, petitioner instead chose to voluntarily withdraw from the Chapter X process, see *id.* at 33a, 214a-215a. Petitioner thereby opted out of the process through which she could have: “take[n] discovery, present[ed] evidence, and cross-examine[d] witnesses”; obtained a decision from a “presiding judicial officer” who was authorized to award several remedies, including back pay, reinstatement, or placement in a comparable position; and “appealed any adverse decision” to the full Judicial Council of the Fourth Circuit. *Id.* at 18a, 23a-24a.

3. Approximately a year after withdrawing her Chapter X claim, petitioner filed this lawsuit in the Western District of North Carolina. See D. Ct. Doc. 1 (Mar. 3, 2020). She sued numerous defendants with a connection to the administration of the Fourth Circuit EDR Plan, including the United States, the Judicial Conference of the United States, the Administrative Office of the U.S. Courts, the U.S. Court of Appeals for the Fourth Circuit, the Judicial Council of the Fourth Circuit, the Federal Public Defender for the Western District of North Carolina, and several persons affiliated with these entities in their individual capacities, their official capacities, or both. See *id.* at 1-2. Petitioner elected not to sue the First Assistant, and her claims instead focused on defendants’ response to her allegations of harassment and retaliation and the process she received under the EDR Plan.

Petitioner’s complaint listed four “claim[s] for relief”: (1) a Fifth Amendment due-process claim challenging the constitutional adequacy of the EDR Plan; (2) a Fifth Amendment equal-protection claim challenging the constitutionality of the judiciary’s response to petitioner’s allegations of harassment and retaliation; (3) a claim

under 42 U.S.C. 1985(3) for conspiracy to violate civil rights; and (4) a claim under 42 U.S.C. 1986 for neglect to prevent this alleged conspiracy. D. Ct. Doc. 1, at 82-84. Petitioner sought compensatory and punitive damages, back pay, front pay, and injunctive and declaratory relief. *Id.* at 84-85. Throughout this litigation, the judges of the Western District of North Carolina and the Fourth Circuit have recused themselves. The case was therefore assigned by the Chief Justice to district and appellate judges from outside the Fourth Circuit under 28 U.S.C. 291, 292, and 294. All claims were ultimately resolved in favor of the government defendants.

a. At the pleading stage, the district court granted defendants' motion to dismiss, and the court of appeals affirmed in part, reversed in part, and remanded for further proceedings. See 32 F.4th 311, 319-321; 510 F. Supp. 3d 336, 341-342. As most relevant here, the court of appeals affirmed the dismissal of petitioner's facial due-process challenge to the EDR Plan. The court rejected petitioner's contentions that the Plan failed to provide a neutral decisionmaker and offered no actual remedies, and it explained that petitioner had failed to identify any "innate defects of the EDR Plan itself that would apply in all circumstances." 32 F.4th at 354-355. The court of appeals also affirmed the dismissal of all of petitioner's individual-capacity claims as well as her statutory claims for conspiracy and neglect to prevent under Sections 1985 and 1986. *Id.* at 360-362. The court reversed and remanded, however, as to petitioner's as-applied equal-protection and due-process claims seeking prospective equitable relief from official-capacity defendants, holding that the complaint stated a plausible claim on each issue and that

respondents' threshold legal defenses did not bar those claims. *Id.* at 348-360, 363-366.

b. On remand, the district court conducted a six-day bench trial on petitioner's as-applied constitutional claims and then issued comprehensive findings of fact and conclusions of law rejecting those claims. Pet. App. 57a-331a. The court of appeals affirmed. *Id.* at 1a-56a.

On the as-applied due-process claim, the court of appeals explained that petitioner had "presumptively forfeit[ed]" any such claim by "abandon[ing] the EDR process before utilizing her right to a Chapter X hearing." Pet. App. 7a. At the pleading stage, the court of appeals had afforded petitioner an opportunity to rebut that presumption by "prov[ing]" her allegation "that she was coerced to abandon her complaint before proceeding to the Chapter X hearing." *Id.* at 7a-8a; see 32 F.4th at 355-356. After the bench trial, however, the court of appeals explained that the record failed to support any of petitioner's theories of coercion. Pet. App. 7a-8a, 12a-33a.

On the as-applied equal-protection claim, the court of appeals reasoned that the trial evidence amply supported the district court's factual finding that Martinez had not responded to petitioner's harassment allegations with deliberate indifference, and that the district court had correctly granted summary judgment with respect to petitioner's deliberate-indifference claims against Fourth Circuit Executive James Ishida and former Chief Judge Gregory. Pet. App. 34a-44a.

The court of appeals also rejected two additional arguments petitioner had raised in support of reversal. First, the court rejected petitioner's argument that "the exclusion of judiciary employees from the civil-rights protections that Title VII provides to other federal employees is unconstitutional," finding that argument

forfeited because petitioner raised it “for the first time in her appeal from the district court’s final judgment.” Pet. App. 44a. The court of appeals also rejected petitioner’s request that the judgment be reversed based on the district court’s failure to make specific factual findings before allowing most (but not all) of her trial counsel to withdraw from representing her, explaining that petitioner had failed to show prejudicial error on that issue. *Id.* at 50a-56a.

c. Petitioner sought panel rehearing and rehearing en banc. Her rehearing petition did not ask the court of appeals to revisit any of its conclusions regarding the merits of her legal claims; instead, she focused solely on the portion of the court of appeals’ decision holding that she was not entitled to reversal based on the lack of an express good-cause finding in the district court’s pre-trial decision allowing most of her counsel to withdraw from representing her. See Pet. Reh’g Pet. 14-17. The panel that had presided over the appeal by designation unanimously denied the request for panel rehearing, and the Fourth Circuit denied the request for rehearing en banc due to the lack of a quorum. 12/1/25 C.A. Order; Pet. App. 332a-334a.

ARGUMENT

This Court is “a court of review, not of first view,” *Cutter v. Wilkinson*, 544 U.S. 709, 718 n.7 (2005), and its “traditional rule * * * precludes a grant of certiorari” on a question that “‘was not pressed or passed upon below,’” *United States v. Williams*, 504 U.S. 36, 41 (1992) (citation omitted). That principle alone is sufficient to dispose of the petition here, which presents two questions, neither of which was properly preserved in the courts below. Moreover, both of those questions are plainly meritless. Likewise, the only legal claim that was pressed

and passed upon below that is even arguably encompassed within the petition is petitioner’s procedural due-process claim, which was properly rejected on the merits for factbound reasons that do not implicate any circuit split or otherwise warrant this Court’s review. The petition should be denied.

1. a. Petitioner’s lead question presented is that it is unconstitutional under the “Fifth Amendment’s Due Process and Equal Protection clauses” for judicial-branch employees to be provided a process for raising and resolving sexual-harassment and employment-discrimination claims that purportedly differs in certain respects from the process that Congress has chosen to provide certain other types of employees under Title VII. See Pet. i, 37-39. But the court of appeals correctly declined to opine on that question because petitioner raised it for the first time on appeal.

As the court of appeals correctly observed—and petitioner has not disputed—petitioner sought to challenge “the exclusion of judiciary employees from the civil-rights protections that Title VII provides” “for the first time in her appeal from the district court’s final judgment”—that is, “five years into the litigation,” and in the court of appeals rather than the district court. Pet. App. 44a-45a. The court of appeals therefore “decline[d] to reach the merits” of that challenge because petitioner had forfeited it. *Id.* at 45a. And here, petitioner makes no argument that the court erred in finding the challenge forfeited. Given that no lower court issued a decision that could “guide [this Court’s] analysis of the merits,” this Court should similarly decline review. *Zivotofsky v. Clinton*, 566 U.S. 189, 201 (2012); see *Cutter*, 544 U.S. at 718 n.7; *Williams*, 504 U.S. at 41.

b. To the extent the petition's first question presented might be matched with any argument petitioner properly presented below, petitioner did contend that certain features of the EDR Plan failed to afford her adequate procedural due process. The court of appeals correctly rejected that contention. In the first appeal, it held that petitioner's *facial* due-process challenge to the adequacy of the EDR Plan failed because the Plan "accounts for potential conflicts of interest" and "clearly allow[s] for remedies." 32 F.4th 311, 354-355. And in the second appeal, it held that her *as-applied* due process challenge failed because, after she was awarded an appellate clerkship during mediation, she chose not to avail herself of the numerous procedural safeguards within the EDR Plan's allegedly inadequate dispute-resolution process. Pet. App. 6a-8a, 26a-33a.

Petitioner offers no response to the Fourth Circuit's resolution of either issue. As to her facial challenge, the petition makes no argument as to why the EDR Plan's particular processes are constitutionally inadequate—and does nothing to contend with the court of appeals' contrary reasoning. Nor does it contend that there is any split in authority with respect to the adequacy of such procedures. As to her as-applied challenge, petitioner does not now contend that the court was wrong to hold that the challenge fails because she voluntarily withdrew from the process about which she complains (and indeed, any such dispute would be factbound). This Court's review of any procedural due process argument is therefore unwarranted.

c. In any event, petitioner's contentions fail on the merits.

Despite the first question presented, the body of the petition does not actually develop any argument that

Congress violated any provision of the Constitution when it decided to exempt employees of the “judicial branch” who are not part of the “competitive service” from Title VII. 42 U.S.C. 2000e-16(a). The petition never explains how Congress or the judiciary acted unconstitutionally in making the policy decision that it was unnecessary to supplant the judiciary’s already available robust employment protections, and no explanation is possible. As this Court has repeatedly and recently held, whether to create a federal remedy for unconstitutional conduct by federal officials is a choice left to the discretion of policymakers. See *Ziglar v. Abbasi*, 582 U.S. 120, 136 (2017) (explaining that the legislature, not the judiciary, “is in the better position to consider if the public interest would be served by imposing a new substantive legal liability”) (quotation marks omitted). Indeed, this Court has squarely held that it may decline to infer a *Bivens* remedy even if Congress has chosen to provide no other adequate federal remedy. *Hernandez v. Mesa*, 589 U.S. 93, 113-114 (2020) (“Congress’s decision not to provide a judicial remedy does not compel [this Court] to step into its shoes.”). *A fortiori*, Congress does not act unconstitutionally merely by declining to extend Title VII to judicial-branch employees, and the judiciary does not act unconstitutionally merely by choosing to provide a remedy with robust procedures, even if not the precise ones that petitioner deems essential. It is a plainly rational policy choice to distinguish judicial-branch employees from other federal employees, particularly given the separation-of-powers questions raised if Congress were to regulate a coordinate branch. Cf. *Vance v. Bradley*, 440 U.S. 93, 97-98 (1979) (upholding different employment rules for foreign-service and civil-service employees under rational-basis review).

Petitioner’s specific objections to the EDR Plan fare no better. As the court of appeals explained, if petitioner had proceeded with her Chapter X claim—which she had an opportunity to do even after choosing to leave the Defender’s Office—she could have “take[n] discovery, present[ed] evidence, and cross-examine[d] witnesses”; obtained a decision on the merits of her claims of harassment and retaliation from either the Chief Judge of the Fourth Circuit or his designee, who was authorized under the EDR Plan to award several remedies, including back pay, reinstatement, placement in a comparable position, promotion, or leave; and “appealed any adverse decision” to the full Judicial Council of the Fourth Circuit. Pet. App. 18a, 23a-27a; see EDR Plan, Ch. X.

Chapter X of the EDR Plan is thus “at the upper end of procedural safeguards.” Pet. App. 23a. There can be no serious argument—and the petition certainly does not advance any—that the Fifth Amendment requires more procedural safeguards than the ones set forth in Chapter X, and thus the EDR Plan is clearly constitutional on its face. 32 F.4th at 354-355. As for whether the EDR Plan was constitutional as applied, the court of appeals invoked a well-established legal principle that has been articulated by several courts of appeals: “to prevail on a due-process claim, a plaintiff must have taken advantage of the processes that are available to him or her, unless those processes are unavailable or patently inadequate.” Pet. App. 24a (quotation marks omitted); see, e.g., *Dotson v. Griesa*, 398 F.3d 156, 161 n.2 (2d Cir. 2005), cert. denied, 547 U.S. 1191 (2006); *Alvin v. Suzuki*, 227 F.3d 107, 116 (3d Cir. 2000); *Dusanek v. Hannon*, 677 F.2d 538, 542-543 (7th Cir.), cert. denied, 459 U.S. 1017 (1982). And applying that principle, the court correctly rejected petitioner’s factbound

argument that the Chapter X process was somehow rendered unavailable to her, explaining that the factual record does not support any of petitioner’s strained theories to the contrary. See Pet. App. 12a-18a, 22a-33a. As noted, the petition nowhere contests that analysis.

2. The petition’s second question presented contends that a purported mismatch between the “fundamental principles” of Title VII and the EDR Plan “violates the [Congressional Accountability Act of 1995 (CAA), Pub. L. No. 104-1, 109 Stat. 3] and policy of the Judicial Conference of the United States promulgated in accordance thereto.” Pet. i-ii; see Pet. 31-32. But this contention likewise was not adequately preserved. Indeed, petitioner did not present an argument grounded in the CAA to any lower court—instead, she presses it for the first time in her petition. See Pet. App. 1a-56a; 32 F.4th at 319-377; see also, *e.g.*, D. Ct. Doc. 1. Again, therefore, this Court should not review this novel argument without the benefit of any lower-court opinion addressing it.

And regardless, the argument is nonsensical on the merits. Petitioner appears to contend that the EDR Plan violates the CAA because that statute—which simply directed the judiciary to submit a report to Congress, see § 505, 109 Stat. 41-42 (2 U.S.C. 1434)—“indicates Congress’s will that the protections of Title VII should apply to judiciary employees,” Pet. i, 32. Apparently, petitioner believes that, if an EDR Plan contains too many “divergences” from Title VII, the plan must therefore be “deficien[t]” under the CAA. Pet. 36. But Congress expressly exempted judicial-branch employees who do not hold positions in the competitive service from any right to sue under Title VII. See 42 U.S.C. 2000e-16(a). It did not, by directing the Judicial

Conference to “prepare a report” on Title VII’s “application to the judicial branch,” 2 U.S.C. 1434(2), somehow impliedly repeal that exemption and provide these same employees a cause of action to require application of various provisions of Title VII. See *FS Credit Opportunities Corp. v. Saba Capital Master Fund, Ltd.*, 608 U.S. 608, 614 (2026) (“To create a private right, a statute must use ‘rights-creating language’ aimed at protecting ‘a particular class of persons.’”) (quoting *Alexander v. Sandoval*, 532 U.S. 275, 288-289 (2001)); *Carcieri v. Salazar*, 555 U.S. 379, 395 (2009) (“[A]bsent a clearly expressed congressional intention, an implied repeal will only be found where provisions in two statutes are in irreconcilable conflict, or where the latter Act covers the whole subject of the earlier one and is clearly intended as a substitute.”) (brackets, ellipsis, and quotation marks omitted).

3. Finally, the absence of any conflict of authority among the lower courts on any of the relevant issues further counsels against this Court’s review. All of the other circuit courts to consider similar as-applied due-process challenges, for example, have articulated the same legal principle applied by the special panel here: To prevail on a “claim for failure to provide due process, a plaintiff must have taken advantage of the processes that are available to him or her, unless those processes are unavailable or patently inadequate.” *Alvin*, 227 F.3d at 116; see *Dotson*, 398 F.3d at 161 n.2; *Dusanek*, 677 F.2d at 542-543; Pet. App. 24a (discussing *Alvin* and *Dotson*); Pet. App. 7a-8a, 21a, 26a-27a (discussing *Spreen v. Brey*, 961 F.2d 109 (7th Cir. 1992), which in turn relied on the Seventh Circuit’s earlier decision in *Dusanek*).

Petitioner’s arguments (Pet. 20-30) for why review is nevertheless warranted are unavailing. Petitioner contends that “[t]his case presents an opportunity for the Court to clarify the role of the federal judiciary in ensuring a workplace free from harassment and discrimination for its employees.” Pet. 20. But this Court’s role is to decide cases and controversies involving legal claims, not to opine in the abstract on whether a given dispute-resolution process is “inadequate” as a policy matter. Pet. 22. And the legal claims decided in this litigation—which, as explained, were not the claims petitioner presses here—largely turned on the specifics of petitioner’s idiosyncratic as-applied theories, rather than any issues of broader impact. Indeed, petitioner’s “unique[]” experience opting out of the EDR process and then litigating her factbound claims through “a six-day trial,” Pet. 30, makes this case a decidedly unsuitable vehicle for addressing any issues of broader importance for the many judiciary employees who instead avail themselves of the robust EDR process available to judiciary employees across the country.

CONCLUSION

The petition for a writ of certiorari should be denied.

Respectfully submitted.

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