

No. 25-5810

In the
Supreme Court of the
United States

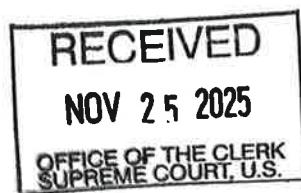
DR. MANISHA SINGH,
Petitioner,

v.

MEMORIAL SLOAN KETTERING CANCER CENTER, et al.,
Respondents.

SUPPLEMENTAL BRIEF OF PETITIONER
PURSUANT TO RULE 15.8

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SUPPLEMENTAL BRIEF OF PETITIONER (RULE 15.8)

SUMMARY OF ARGUMENT

Petitioner submits this Supplemental Brief under Rule 15.8 to bring to the Court’s attention new federal issues, newly available evidence, and significant post-petition developments that materially affect the proper resolution of her petition for certiorari. These matters were not before the courts below due to prior counsel’s omissions, and they directly implicate the enforcement of federal civil-rights protections in NIH-funded scientific-training environments.

First, this case presents an unresolved and nationally significant federal question: whether Title IX applies to federally funded postdoctoral training programs at research hospitals, which function as structured educational environments integral to the federal research mission. Neither the district court nor the Second Circuit analyzed Petitioner’s claims under Title IX—even though her postdoctoral appointment was funded by NIH grants and expressly designed as a mentored educational program. That unaddressed federal question warrants certiorari under Rule 10.

Second, Petitioner’s experience highlights the distinct federal consequences of retaliation against immigration-dependent scientific trainees. In NIH-funded laboratories, institutions control trainees’ legal presence, visa renewals, research authorization, and career pathways. Retaliation in such contexts threatens not merely employment, but a scientist’s legal ability to remain in the United States. This Court has never addressed how Title IX operates where retaliation terminates both the educational program and lawful immigration status. The issue recurs nationally and demands clarification.

Third, serious post-petition developments—including psychiatric hospitalization, state-court guardianship, and irreversible collapse of Petitioner’s scientific career—demonstrate the continuing federal harm flowing from conduct that should have been evaluated under Title IX but

was not. These events underscore the inadequacy of the lower courts' analysis and the urgent federal stakes.

Fourth, newly highlighted evidence shows that MSKCC submitted letters to federal scientific agencies praising Petitioner's research performance during the same period that it now asserts "poor performance" in litigation. This contradiction bears directly on retaliatory motive under *Jackson v. Birmingham Board of Education* and raises federal integrity concerns regarding institutional representations to federally connected review bodies.

Finally, prior counsel's failure to raise Title IX, to contextualize immigration dependency, and to introduce critical federal evidence prevented proper adjudication of the federal questions at stake. For all these reasons, the Court should grant the petition.

INTRODUCTION

Petitioner served as an immigrant postdoctoral fellow in a structured, federally supported cancer-research training program at Memorial Sloan Kettering Cancer Center ("MSKCC"). Her fellowship was not ordinary employment; it was a mentored scientific-training appointment funded in part through National Institutes of Health ("NIH") grants. It included supervised research development, formal evaluation, grant-writing instruction, scientific-presentation training, and educational activities central to the federal research mission. Under Title IX, such federally supported educational programs must operate free from discrimination and retaliation.

Yet after Petitioner reported mistreatment by her direct supervisor, MSKCC removed her from the program. That removal set in motion a cascade of severe consequences—collapse of immigration sponsorship, inability to travel for scientific obligations, prolonged housing instability, psychiatric hospitalization, and eventual appointment of a legal guardian. None of this

was before the courts below. Nor did prior counsel raise the controlling federal statute governing such environments: Title IX.

This Supplemental Brief highlights (1) the unresolved federal questions that the lower courts never addressed; (2) substantial new evidence demonstrating pretext; and (3) post-petition developments illustrating the ongoing federal harm. The issues raised implicate national scientific capacity, immigrant-trainee protections, federal-funding obligations, and the integrity of civil-rights enforcement in NIH-supported institutions. They warrant this Court’s review.

ARGUMENT

I. TITLE IX APPLIES TO NIH-FUNDED POSTDOCTORAL TRAINING PROGRAMS, BUT THE LOWER COURTS NEVER CONSIDERED IT

Title IX applies to “any education program or activity receiving Federal financial assistance.” 20 U.S.C. §1681(a). Petitioner’s postdoctoral fellowship fell squarely within this definition, yet the courts below analyzed her case solely as ordinary employment because prior counsel never raised Title IX. This omission left a critical federal question unaddressed and warrants certiorari.

A. Title IX’s statutory scope includes federally funded scientific-training programs

This Court has emphasized that Title IX must be interpreted broadly to ensure that federal funds do not support discriminatory or retaliatory practices in educational settings. *Cannon v. Univ. of Chicago*, 441 U.S. 677, 704 (1979). Nothing in the text limits Title IX to traditional classrooms; it covers any program with educational components supported by federal funding.

NIH-funded postdoctoral training programs are federally supported educational programs. They exist to train the next generation of American scientists, provide mentored research

experience, and prepare fellows for federally funded scientific careers. They operate under federal grants, federal oversight, and federal training objectives.

Thus, MSKCC’s NIH-supported postdoctoral program falls squarely within Title IX’s text, structure, and purpose.

B. NIH and federal agencies define postdoctoral fellowships as educational training programs

Federal agencies explicitly describe postdoctoral positions as:

- “temporary and defined periods of mentored advanced training,”
- involving “advanced skill acquisition,”
- “structured evaluation,”
- “scientific writing and communication training,” and
- preparation for “independent scientific careers.”

These characteristics match the statutory definition of an “education program or activity” receiving federal financial assistance.

Petitioner’s experience followed this model precisely. Her work advanced federally funded cancer-research aims, and her training was an educational activity supported by NIH grants. Title IX therefore applies.

C. The lower courts did not apply Title IX because prior counsel failed to raise it

Despite MSKCC’s federal funding and the educational nature of Petitioner’s position, neither the district court nor the Second Circuit applied:

- the deliberate-indifference framework of Gebser;
- the actionable-harassment and retaliation framework of Davis; or
- the retaliation principles under Jackson.

Without Title IX, the courts analyzed Petitioner’s case through an employment lens, ignoring the federal protections Congress mandated for trainees in federally funded programs. This failure to apply controlling federal law under Rule 10(c) warrants review.

D. MSKCC’s contradictory federal-agency letters reinforce the need for Title IX review

During the same period MSKCC now characterizes Petitioner as a “poor performer,” the institution submitted glowing recommendation letters to federal scientific agencies. These letters praised:

- Petitioner’s research productivity;
- her technical expertise;
- her contributions to federally funded cancer projects; and
- her emerging scientific potential.

Such contradictions are classic evidence of pretext, especially under Title IX retaliation principles articulated in Jackson. Yet the courts below never evaluated this evidence because Title IX was not raised, leaving a significant federal issue unexamined.

E. The unresolved Title IX applicability question is nationally significant

More than half of U.S. postdoctoral researchers are foreign-born and work in NIH-funded environments. Whether these federally supported training programs fall under Title IX is an important national question that affects thousands of federally funded scientists and the integrity of the national research enterprise. This Court’s guidance is needed.

II. RETALIATION IN IMMIGRATION-DEPENDENT TRAINING ENVIRONMENTS PRESENTS A DISTINCT AND UNRESOLVED FEDERAL QUESTION

This case presents a federal question of exceptional national importance: **how Title IX applies when retaliation within a federally funded educational program simultaneously terminates a trainee's lawful immigration status.** This issue was not considered below and has never been answered by this Court.

Petitioner's experience illustrates a structural vulnerability that affects thousands of federally funded researchers across the United States. NIH-supported laboratories depend heavily on foreign-born postdoctoral trainees whose continued presence in the country is controlled by the host institution. Retaliation in this context is not merely an adverse action—it carries **immigration, legal, scientific, and existential consequences.**

A. Immigration-dependent trainees are uniquely vulnerable to institutional retaliation

Foreign-born postdoctoral fellows commonly hold visas such as H-1B, J-1, or O-1, all of which are **tethered to a specific institution.** In such environments, the institution controls:

- visa extensions and renewals;
- travel permissions;
- research continuity required for lawful presence;
- sponsorship for employment-based permanent residency; and
- access to the federally funded opportunities necessary for future scientific roles.

This concentration of power creates an **extraordinary coercive environment** that magnifies the chilling effect of retaliation beyond what Jackson contemplated in traditional

educational settings. When a trainee reports mistreatment, retaliation threatens not only career prospects but the legal right to remain in the United States.

B. Petitioner's removal from the program had immediate federal immigration consequences

After reporting concerns, Petitioner was removed from her NIH-supported training program. Because MSKCC controlled her visa sponsorship:

- her H-1B continuation collapsed;
- ongoing green-card sponsorship was extinguished;
- she became unable to travel for international scientific conferences;
- she lost eligibility for visas that require active research participation; and
- she faced prolonged immigration instability with no path to lawful continuity.

These consequences flowed directly from her exclusion from a federally funded educational program. No lower court evaluated this because Title IX was never invoked.

C. The failure to consider immigration-linked harm left a major federal issue unresolved

Neither the district court nor the Second Circuit considered:

- the magnitude of retaliation against an immigration-dependent trainee;
- the legal implications of removing a federally funded trainee whose status depends on continuous scientific participation; or
- how these facts intersect with Title IX's purpose and enforcement mechanisms.

This gap in analysis resulted directly from prior counsel's failure to raise Title IX. As a result, a **material federal question of national recurrence remains unresolved**.

D. The issue is nationally significant and warrants this Court's review

Over 55% of U.S. postdoctoral researchers are foreign-born, and most serve in NIH-funded programs. These scientists are essential to national biomedical research, including cancer therapeutics, immunology, and translational medicine.

Yet, under the lower courts' framework:

- an NIH-funded institution may retaliate;
- terminate the trainee's educational and research program;
- strip the trainee of lawful immigration status; and
- avoid Title IX scrutiny entirely.

This result is incompatible with Congressional intent and threatens the stability, equity, and scientific integrity of federally funded research environments. The Court's intervention is warranted.

III. POST-PETITION HOSPITALIZATION AND STATE-COURT GUARDIANSHIP DEMONSTRATE ONGOING FEDERAL HARM UNDER RULE 15.8

Several of the most serious consequences of Petitioner's removal occurred **after** the appellate judgment and therefore could not have been considered below. These post-petition developments illustrate the continuing federal harm tied to the unresolved issues in this case.

A. Petitioner experienced severe mental-health deterioration requiring psychiatric hospitalization

Following the collapse of her federally supported training program, Petitioner suffered a significant decline in mental health. The loss of her scientific identity, immigration pathway, and career trajectory—combined with prolonged instability—culminated in a psychiatric hospitalization.

This Court has recognized that retaliation and exclusion from educational opportunities can have profound emotional impacts. Jackson, 544 U.S. at 180. Here, the consequences were exponentially more severe because Petitioner's immigration status, career continuity, and basic livelihood were tied to her educational program.

This is precisely the type of post-petition development Rule 15.8 seeks to bring before the Court.

B. A state court subsequently appointed a legal guardian to manage Petitioner's affairs

Following hospitalization, a state court determined that Petitioner required a legal guardian to assist with daily functioning and financial decision-making. Guardianship is exceptionally rare for an early-career scientist and underscores the magnitude of the harm inflicted.

This development is legally significant because it shows:

- the long-term functional impairment resulting from conduct that should have been analyzed under Title IX;
- the severe consequences of removing an immigration-dependent trainee from a federally funded program; and
- the need for federal protections in such environments.

This information fundamentally alters the context of the case.

C. These developments underscore the federal interest in ensuring the safety of trainees in NIH-funded programs

The combination of psychiatric hospitalization and guardianship demonstrates that the harms were not temporary. They are **continuing, severe, and federally relevant** because they

flowed directly from retaliation and institutional failure in a federally supported educational program.

The federal government has a substantial interest in ensuring that NIH-supported training environments operate safely and free from discrimination. These post-petition developments underscore the stakes.

D. The lower courts never had an opportunity to consider these developments

Because these events occurred after appellate proceedings, the lower courts did not—and could not—consider their relevance to the federal questions presented. Rule 15.8 exists precisely for this purpose: to inform the Court of developments that bear materially on the petition.

These developments strongly support review.

IV. THE IRREVERSIBLE COLLAPSE OF PETITIONER'S SCIENTIFIC CAREER ILLUSTRATES ONGOING FEDERAL HARM AND FAILURE OF PROTECTION IN A FEDERALLY FUNDED TRAINING PROGRAM

Petitioner's removal from MSKCC's NIH-supported program produced a widening, now effectively irreversible gap in her scientific career. This consequence is directly tied to the absence of Title IX protections and constitutes a material federal harm warranting review.

A. Continuous participation is essential in federally funded biomedical research careers

Biomedical careers depend on:

- uninterrupted research activity;
- sustained publication output;
- continuous access to laboratory infrastructure;
- ongoing collaboration;

- competitive eligibility for NIH grants and fellowships.

Postdoctoral training is the **core developmental stage** that enables early-career scientists to establish the credentials required for independent funding.

Interruption at this stage often results in permanent exclusion from the field.

B. Petitioner's multi-year exclusion has become professionally disabling

Since her removal:

- she has been unable to conduct experiments;
- cannot publish;
- lost access to federally funded infrastructure;
- lost eligibility for NIH K-series awards;
- lost visa pathways tied to active research;
- and has suffered an ever-widening research gap.

In biomedical and cancer research, a gap of this length is widely treated as career-ending. These consequences are not private or incidental—they directly undermine federal investment in scientific training.

C. The federal interest in maintaining stable, nondiscriminatory research-training pipelines is substantial

Congress invests billions of dollars annually in NIH-supported training programs to sustain national scientific capacity. When an institution removes a trainee in retaliation for reporting misconduct without appropriate scrutiny, the federal interest in the integrity and stability of the research-training system is undermined.

This Court should provide guidance to ensure that federally funded institutions cannot circumvent Title IX in this context.

D. The lower courts never considered these career-defining consequences under the proper federal statute

Because Title IX was not raised, the lower courts analyzed Petitioner's experience only as employment. They did not consider how retaliatory removal from a federally funded educational program:

- destroys scientific career trajectories;
- interrupts federal research missions; and
- undermines national scientific capacity.

This omission further demonstrates the need for the Court's review.

V. INSTITUTIONAL FAILURES AT MSKCC DEMONSTRATE DELIBERATE INDIFFERENCE UNDER TITLE IX

Another unresolved federal issue concerns MSKCC's failure to provide basic institutional safeguards in response to Petitioner's reports of mistreatment. Title IX prohibits federally funded institutions from responding to known concerns with deliberate indifference. The record reveals a breakdown in institutional response that was never evaluated under the correct standard.

A. Petitioner requested HR protection at a critical meeting, yet none was provided

After experiencing mistreatment by her supervisor, Petitioner sought intervention and was told to attend a meeting where she reasonably believed Human Resources would be present. Instead:

- HR did not attend;
- no compliance officer or neutral administrator was present; and
- the meeting was conducted solely by the same supervisory chain at issue.

For an immigration-dependent trainee whose career and legal presence were controlled by the institution, the absence of protective oversight made her uniquely vulnerable.

B. Under Title IX, federally funded institutions must respond reasonably to reports of misconduct

This Court's precedents make clear:

- **Gebser**: institutions must not act with deliberate indifference when they have actual notice of potential misconduct;
- **Davis**: institutions must take reasonable measures to protect students or trainees once aware of possible harassment;
- **Jackson**: retaliation is a form of discrimination prohibited under Title IX.

A meeting conducted without HR, in the presence of the very individuals accused of mistreatment, is inconsistent with these principles.

C. The absence of protections directly preceded Petitioner's removal

Shortly after this unprotected, imbalanced meeting, Petitioner was removed from her NIH-supported program. Under Title IX's retaliation framework, the sequence of events—**notice → absence of safeguards → adverse action**—is highly probative.

Yet the lower courts never examined this sequence because Title IX was not invoked.

D. This institutional failure raises a broader federal concern

If federally funded research hospitals may:

1. receive actual notice of potential misconduct,
2. fail to provide any protective oversight,
3. conduct proceedings solely through the supervisory chain, and
4. subsequently remove the trainee,

—without Title IX review, then federally supported educational environments are effectively unregulated in this respect.

This issue warrants the Court’s attention.

VI. MSKCC’S CONTRADICTORY STATEMENTS TO FEDERAL SCIENTIFIC AGENCIES ARE EVIDENCE OF PRETEXT AND RAISE FEDERAL INTEGRITY CONCERNS

A further federal issue arises from MSKCC’s sharply inconsistent characterizations of Petitioner’s performance.

During the same period in which MSKCC now alleges “poor performance,” it submitted **multiple** glowing recommendation letters to federally connected scientific organizations. These letters praised Petitioner as:

- technically strong,
- scientifically productive,
- an excellent grant writer,
- a valued contributor to NIH-funded cancer research, and
- an emerging scientist with substantial promise.

These letters carry particular weight because they were submitted in contexts where accuracy is essential—grant-making agencies, national fellowship competitions, and scientific review committees.

A. MSKCC’s conflicting narratives cannot both be true

Either MSKCC:

- misrepresented Petitioner’s strengths to federal scientific bodies, **or**
- misrepresents her abilities now in litigation.

Both cannot be true simultaneously. Such contradictions lie at the heart of pretext analysis and are precisely the type of evidence this Court has recognized as significant under **Jackson**.

B. These contradictions are material to the federal questions presented

The letters support two critical inferences:

1. **Retaliatory motive:** Praise ceased only after Petitioner reported mistreatment.
2. **Institutional credibility:** If federally funded institutions may reverse their own representations without scrutiny, federal review mechanisms are undermined.

C. The contradictions also raise federal integrity concerns

The federal government relies on accurate institutional assessments when evaluating scientific potential, awarding research funding, and supporting career development. Inconsistent representations erode the integrity of these federal systems.

This concern extends beyond Petitioner and affects the reliability of federally connected scientific assessments nationwide.

D. This evidence was never examined under any Title IX framework

Because prior counsel never presented these letters or argued their relevance under Title IX, the lower courts reviewed an incomplete record. Certiorari is warranted to ensure that significant federal evidence is not ignored.

**VII. PRIOR COUNSEL'S OMISSIONS PREVENTED PROPER ADJUDICATION
OF CONTROLLING FEDERAL LAW AND WARRANT REVIEW UNDER RULE 10**

This Court has long held that certiorari is appropriate when lower courts fail to consider controlling federal law. *Caspari v. Bohlen*, 510 U.S. 383, 389 (1994). Prior counsel's omissions had precisely that effect.

A. Counsel failed to raise Title IX, the controlling federal statute

Despite Petitioner’s participation in an NIH-funded educational program, counsel never raised Title IX. As a result:

- the district court did not apply Gebser, Davis, or Jackson;
- the Second Circuit analyzed the case solely as employment; and
- the core federal question remains unresolved.

B. Counsel failed to contextualize Petitioner as an immigration-dependent trainee

Counsel did not explain that Petitioner’s visa status, lawful presence, and scientific trajectory were entirely controlled by MSKCC. This omission prevented the courts from evaluating the magnitude of retaliation in federally funded environments where immigration dependency magnifies institutional power.

C. Counsel failed to present critical federal evidence demonstrating pretext

The recommendation letters submitted to federal bodies are among the strongest evidence of retaliatory motive—but counsel never introduced them. Without this evidence, the lower courts could not conduct a complete federal analysis.

D. These omissions left unresolved federal questions that warrant this Court’s review

The combined impact of these failures prevented a fair and complete adjudication of the federal issues. Rule 10 is satisfied.

CONCLUSION

This case presents substantial, unresolved federal questions regarding:

1. the applicability of Title IX to NIH-funded postdoctoral training programs;
2. retaliation against immigration-dependent scientific trainees whose legal presence is controlled by federally funded institutions;

3. the obligations of federally supported research hospitals to respond appropriately to reports of mistreatment; and
4. nationally significant consequences for the U.S. biomedical-research workforce.

Post-petition developments—including psychiatric hospitalization, guardianship, immigration instability, housing insecurity, and irreversible scientific-career collapse—underscore the severity and continuing nature of the federally relevant harms. These developments, together with new evidence of pretext and prior counsel's omissions, demonstrate why the Court's intervention is necessary.

For these reasons, Petitioner respectfully requests that the Court grant the petition for a writ of certiorari.

Respectfully submitted,


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