

25-6177

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IN THE UNITED STATES SUPREME COURT

Jesse D Pellow

Petitioner

V

Presbyterian Senior Homes, Inc, et al

Respondent

On petition for a Writ of Certiorari to the United States Court of Appeals, Third Circuit, Case No: 24-3108, District Co No. 3:23-cv-00264. Final judgement of the Court September 18th, 2025.

FILED

SEP 19 2025

OFFICE OF THE CLERK
SUPREME COURT, U.S.

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Friend of the Court

1. Question Presented to the Court

On September 18th, 2025, the United States Court of Appeals for the Third Circuit affirmed the dismissal of the numbered civil complaint filed in the Western District. Both courts final orders fail to address the actual complaint that was raised. The Western District and further the Third Circuit seem to only address the issue of 'pro se' status and magisterial misconduct by the district judge. There was NO review of the actual merits of the case that was before the court. Further, the panel refused to address a complaint that is filed in the Western District court named *Thompson v Garvey Manor Nursing Home* which accuses me of sexual harassment. It did not address the joinder request. This case was illegally filed. It was filed without a right to sue by the EEOC and was filed outside of not only jurisdiction but was not filed in a timely manner. It has been allowed to sit with no action taken by the court. I have the right to defend myself against all my accusers. That is a right granted by the United States constitution. I am an adult with high functioning autism and the defense for my previous employer has since tried to deny that fact. The original complaint was filed with a right to sue from the EEOC in 2023 under the *Americans with Disabilities Act*. The question before the Supreme Court is why am I being denied the basic constitutional right of self-defense and continued retaliation from the Blair County District Attorney over these legal proceedings.

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3. Table of Authorities

- I. Americans with Disabilities Act
- II. *Muldrow v. City of St. Louis, MO*
- III. Pennsylvania Human Resources Act
- IV. Elder Justice Act

4. Petition for Writ of Certiorari and to Proceed In Forma Pauperis

Jesse Pellow, Pro Se is currently appealing a final order from the United States Court of Appeals Third Circuit. The petitioner is also requesting *in forma pauperis* with this petition. This petitioner has been unable to find steady full time employment since the retaliatory criminal charges stemming from this civil dispute in December of 2022. This writ will address the actual issues that were in the original complaint and the issues the District Court and the Third Circuit refused to review.

5. Opinions Below

The final order from the Third Circuit failed to address the actual merits of the case as did the magisterial district court judge. The opinion of the Third Circuit will be attached. I currently have both a state criminal and civil appeal to the Pennsylvania Supreme Court which I will also be appealing should I be denied allocatur.

6. Jurisdiction

The question before the Western District Court and the Third Circuit Court of Appeals was regarding *Retaliation under the Americans with Disabilities Act*. Neither court addressed the actual merits of the case. It seems to mostly focus on the issue of transgender identity and my pro se status. The original complaint was under the Americans with Disabilities Act. The United States Supreme Court has jurisdiction under 28 US Code 1254.

As clearly stated on cover page final
judgement was on 5/18/25

7. Constitutional Provisions Provided

The petitioner is asking the court to review whether the Western District improperly handled this case because I am pro se. The petitioner is also asking the Supreme Court to review whether the magistrate district judge Keith Pesto is being influenced by an outside non-profit organization named Operation Our Town headquarters Altoona, PA. There seems to be a gross conflict of interest here with his relations with the Blair County District Attorney's office. There were several unprofessional comments made by this judge and there appear to have been communications between him and counsel for the defense without my knowledge. The question before the court is did my previous employer retaliate against me because I reported potential resident neglect and that I was working with an outside state agency, namely the Office for Vocational Rehabilitation for job coaching which they were aware of. My previous employer claims I was terminated for HIPAA violations. If there were HIPAA violations why didn't they report me to state or federal agencies? Because their were none. This is the latest excuse employers in Pennsylvania use to illegally terminate someone under the *Right to Work* clause. The Pennsylvania Human Resources Act also protects private employees from discrimination and retaliation.

8. Statement of the Case

I will make this brief. My previous employer is trying to make this complaint about something that is irrelevant to the actual issues at hand. They are trying to make it about transgender identity because I wrote a letter to the Altoona Mirror in support of a LGBT middle school teacher who was reading a book to herself. The District Attorney initially pursued criminal investigations into the matter because of politics. This is potentially a reason for my termination. However, the real reason for my termination is that during the hearing at the Pennsylvania Board of Nursing in June of 2024, my previous supervisor told the hearing judge that she wanted me fired because she claims I didn't' follow chain of command. She even retaliated against my mother at the criminal hearing in November of 2024. This is PURE retaliation. The fact of the matter is I have a disability under the law. I was receiving services from a state agency under Pennsylvania law. My previous employer knew I was receiving services and my previous employer even had improper communications and conversations with the manager of the organization that was providing these job coaching services. Furthermore, initially the Hollidaysburg Police claimed to her in November of 2022 that it was a civil matter when she wanted to file harassment charges against me for reporting neglect. The Blair County District Attorney claims I am angry. The Board of Nursing hearing examiner found no such cause. Yet, the Western District and the Third Circuit refuses to address the merits of this case. I am going to use *Muldrow v City of St. Louis* was in reference to *Title VII*, I am asking the honorable court to apply the same standard set to the *Americans with Disabilities Act retaliation complaints*. Namely *Title VII* protects against job transfers due to discriminatory standards. I too had requested multiple job transfers after I was reinstated from my

suspension because they claimed that it was law and their policy to suspend a mandated reporter for making a good faith report. This is where they claim I violated HIPAA. Mandated reporters are protected under Pennsylvania and federal law. I was subjected to a VERY toxic work environment after I wrote the letter to the editor of the Altoona mirror. Thus this could also be a *First Amendment* complaint as counsel for my previous employer referenced this letter in their reply to the PHRC. While I was a private employee and Pennsylvania is a right to work state retaliation is prohibited.

9. Reasons for granting

I have been unable to find steady full-time employment due to my termination and discrimination from my previous employer in December of 2022. The criminal charges filed against me are continued retaliation because of this federal complaint. It is the opinion of this petitioner that the magistrate of the Western District is being influenced by an outside non-profit organization and his ties to the Blair County District Attorney. You should look at the number of cases and appeals that are dismissed by this judge coming out of Blair County. It is uncharacteristically high. I will make this petition short. My rights have been violated numerous times, and it is because I spoke out in defense of a teacher who was herself being discriminated against. We see a lot of hate and discrimination being directed towards the transgender community with some even calling for institutionalization. This is hate speech. People are living in fear because of a gross mischaracterization of a minority community. The constitution and the Supreme Court is supposed to protect those rights.

10. Conclusion

This petitioner is asking the Supreme Court to hear this petition. My life has been ruined because of the political retaliation by the Blair County District Attorney's office and it's private funding by Operation Our Town. This is also illegal. I have proof that police are paid by this organization. The Blair County District Attorney has been paid by this organization since 2007. They even have a bank account that is not audited by the county or the commonwealth. I am being retaliated against and frankly I fear for my life.

Signed this Date,

Jesse D Pellow



9/18/2025