

No. 25-7401

IN THE SUPREME COURT OF THE UNITED STATES

WILLIE B. SOUTHERN, JR.,

Petitioner,

v.

NATHANIEL YOUNGER AND JACKSON PUBLIC SCHOOL DISTRICT,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI

TO THE COURT OF APPEALS OF MISSISSIPPI

REPLY BRIEF FOR PETITIONER

Willie B. Southern, Jr.

Petitioner, Pro Se

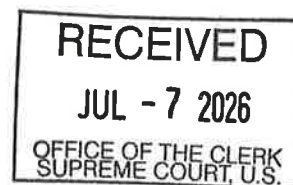
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June 26, 2026



QUESTIONS PRESENTED

1. Whether a state court's requirement of live expert testimony to prove permanency and future impairment raises due process or equal protection concerns when objective clinical evidence of long-term injury is present in the record.
2. Whether state courts may evaluate claims involving long-term impairment without meaningful consideration of federally recognized disability-related evidence and classifications.
3. Whether review is available where the asserted federal question arises from the reasoning and effect of a state appellate court's decision.

PARTIES TO THE PROCEEDING

Petitioner is Willie B. Southern, Jr.

Respondents are Nathaniel Younger and Jackson Public School District.

Respondent Jackson Public School District is a governmental entity organized and existing under the laws of the State of Mississippi.

No other parties appeared in the proceedings below.

Because no respondent is a nongovernmental corporation, no corporate disclosure statement is required under Supreme Court Rule 29.6.

STATEMENT OF RELATED PROCEEDINGS

Pursuant to Supreme Court Rule 14.1(b)(iii), the following proceedings are directly related to this case:

1. Willie B. Southern, Jr. v. Nathaniel Younger and Jackson Public School District, No. 25CI1:17-cv-00680-TTG (Hinds County Circuit Court).
2. Nathaniel Younger and Jackson Public School District v. Willie B. Southern, Jr., No. 2022-CA-01228-COA (Miss. Ct. App.), judgment entered Apr. 22, 2025; rehearing denied Nov. 4, 2025.
3. Southern v. Younger and Jackson Public School District, No. 2022-CT-01228-SCT (Miss.), certiorari denied Jan. 20, 2026.

Petitioner is unaware of any other directly related proceedings.

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INTRODUCTION

Respondents characterize this case as a routine automobile-negligence dispute involving only the amount of damages recoverable under Mississippi law. That characterization understates the question presented. Supreme Court Rule 10.

Petitioner does not seek certiorari merely to reweigh evidence or increase a damages award. Rather, the petition raises a broader federal question concerning the treatment of documented disability-related impairment, the significance of federally recognized disability status, and the extent to which state adjudicative frameworks may categorically disregard such evidence when evaluating permanency and long-term injury.

The issue is particularly significant where the defendant is a public entity and where the underlying record contains objective medical documentation reflecting continuing impairment.

By holding that the absence of a live medical doctor at trial is an absolute bar to long-term recovery, the Mississippi Court of Appeals did more than review facts. It created a sweeping rule that systematically devalues institutional and objective records of disability. This Court should grant review to determine whether state judiciaries may enforce such a total separation between federal disability frameworks and state injury adjudications.

STATEMENT OF THE CASE

This case arises from an automobile-negligence action involving Petitioner Willie B. Southern, Jr., and Respondent Nathaniel Younger, an employee of Respondent Jackson Public School

District. Throughout the trial-court proceedings and initial appellate proceedings, Petitioner was represented by counsel.

I. Trial Court Proceedings and Evidentiary Record

At a bench trial, Petitioner introduced medical records documenting cervical, lumbar, and sacroiliac injuries. Covering 2016 and 2017 (App. E). Although no live physician testified regarding permanency, the trial court found that Petitioner faced an increased risk of degenerative disc disease and arthritis as a result of the collision and awarded compensatory damages. (App. C).

II. Appellate Proceedings

Respondents appealed. Because Petitioner had prevailed on liability and obtained a substantial damages award, counsel elected not to pursue a cross-appeal directed to alternative theories of recovery and instead focused on defending the judgment entered by the trial court.

The Mississippi Court of Appeals subsequently reversed and rendered portions of the damages award relating to future impairment and permanency. (App. A). In doing so, the court concluded that the evidentiary record did not support those aspects of the award in the absence of expert medical testimony concerning permanency.

Petitioner respectfully submits that the decision below presents a broader question concerning the treatment of objective medical evidence documenting long-term physical impairment and the relationship between state-law evidentiary requirements and disability-related determinations recognized under federal law.

III. Subsequent Administrative Determination

On July 7, 2024, the Social Security Administration determined that Petitioner was disabled under applicable federal standards. (App. D).

Petitioner does not rely on that determination as trial evidence. Rather, it is cited only to illustrate the broader federal interest identified in the petition. The same physical impairments documented in the medical records before the trial court ultimately formed the basis for a federal disability determination.

Accordingly, the petition presents issues extending beyond a single damages award and concerns the treatment of disability-related impairment and objective medical evidence in state judicial proceedings.

REASONS FOR GRANTING THE PETITION

I. THE DECISION BELOW PRESENTS IMPORTANT DUE PROCESS AND EQUAL PROTECTION CONCERNS REGARDING THE TREATMENT OF OBJECTIVE MEDICAL EVIDENCE.

The Fourteenth Amendment guarantees that litigants receive a meaningful opportunity to be heard and to present competent evidence in support of their claims. U.S. Const. amend. XIV. This Court has repeatedly recognized that due process requires fundamental fairness in judicial proceedings. See *Honda Motor Co. v. Oberg*, 512 U.S. 415, 434 (1994) ("The Due Process Clause prohibits the States from imposing grossly excessive punishments on tortfeasors."); see also *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 429-30 (1982) (recognizing that procedural due process protects a litigant's opportunity to be heard).

The practical effect of the decision below demonstrates the significance of the issue presented:

Category	Trial Court Award	Court of Appeals
Truck Damage	\$5,000.00	\$5,000.00

Category	Trial Court Award	Court of Appeals
Medical Expenses	\$21,120.00	\$399.00
Pain and Suffering	\$90,000.00	\$0.00
Total Recovery	\$116,120.00	\$5,399.00

The issue is not merely the reduction itself. Rather, the reduction resulted from the Court of Appeals' conclusion that objective medical records documenting long-term spinal injury could not support findings concerning permanency and future impairment absent live expert testimony. Petitioner respectfully submits that this rule raises substantial due process concerns because it limits the ability of injured litigants to rely upon otherwise competent documentary medical evidence. Review is warranted under Supreme Court Rule 10 because the question presented extends beyond the facts of this case and implicates the broader treatment of disability-related evidence in judicial proceedings.

This case presents an important question concerning the extent to which a state appellate court may require live expert testimony before objective clinical evidence may support findings of long-term impairment and permanency. U.S. Const. amend. XIV.

The record contained medical documentation reflecting cervical, lumbar, and sacroiliac injury. (App. E). The trial court reviewed that evidence and found that Petitioner faced an increased risk of degenerative disc disease and arthritis as a result of the collision. (App. C). Nevertheless, the Court of Appeals concluded that the evidentiary record could not support certain findings relating to permanency and future impairment in the absence of expert medical testimony.

The decision below therefore raises substantial questions concerning the treatment of objective medical evidence and the ability of injured litigants to establish long-term impairment through reliable documentary records. Where the defendant is a public entity, those concerns carry additional significance because the challenged rule affects access to judicial remedies against governmental actors.

This Court's review is warranted to clarify the constitutional limits, if any, on the application of evidentiary requirements that may prevent meaningful consideration of objective evidence bearing upon permanent injury.

II. THIS CASE PRESENTS AN IMPORTANT FEDERAL QUESTION CONCERNING THE RELATIONSHIP BETWEEN STATE TORT ADJUDICATION AND FEDERALLY RECOGNIZED DISABILITY STATUS.

The petition presents a broader federal question extending beyond the facts of a single negligence action.

Federal law recognizes disability through multiple frameworks, including the Social Security Act, the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act. Although those statutes do not govern Mississippi tort law, they reflect a substantial federal interest in the recognition and evaluation of functional impairment and disability.

The trial court reviewed the medical evidence and recognized a substantial risk of future degeneration. (App. C). Years later, the Social Security Administration determined that Petitioner was disabled under applicable federal standards. (App. D). Petitioner does not rely upon that

determination as trial evidence. Rather, it illustrates the broader federal interest implicated when state adjudicative frameworks evaluate the same underlying physical impairments.

This Court should grant review to clarify the extent to which state courts may evaluate claims involving long-term physical impairment without meaningful consideration of disability-related evidence and classifications recognized under federal law.

III. RESPONDENTS' PRESERVATION ARGUMENT DOES NOT FORECLOSE REVIEW.

Respondents contend that review is barred because federal disability and constitutional theories were not expressly litigated below.

The petition, however, does not seek review of an unadjudicated ADA, Rehabilitation Act, or Social Security claim. Instead, it challenges the implications of the appellate court's reasoning and the federal concerns arising from the treatment of objective evidence of impairment.

Petitioner prevailed at trial and obtained a substantial judgment. Under those circumstances, counsel reasonably elected to defend the judgment rather than pursue alternative theories of recovery through a cross-appeal.

Accordingly, the petition presents the first practical opportunity to address the federal concerns arising from the appellate court's treatment of disability-related evidence and permanency.

Review is warranted to determine whether those concerns are properly subject to this Court's review under 28 U.S.C. § 1257(a).

CONCLUSION OF REASONS FOR GRANTING THE PETITION

The questions presented are important, recurring, and extend beyond the particular facts of this case. This Court should grant the petition to clarify the relationship between state evidentiary requirements, disability-related evidence, and federal interests in the recognition of long-term impairment.

ARGUMENT

I. RESPONDENTS MISCHARACTERIZE THE PETITION AS A ROUTINE STATE-LAW DAMAGES DISPUTE.

Respondents repeatedly describe the case as a factbound disagreement over damages. The petition, however, does not ask this Court to recalculate damages or reassess witness credibility.

Instead, the petition presents a question concerning the relationship between state-law causation determinations and evidence reflecting long-term disability and functional impairment. The issue extends beyond the facts of a single negligence action and concerns the broader treatment of disability-related evidence in state judicial proceedings. Supreme Court Rule 10.

THE PRACTICAL EFFECT OF THE DECISION BELOW

Respondents characterize this case as a routine dispute concerning damages. The practical effect of the decision below demonstrates otherwise.

The trial court awarded damages based upon its findings concerning documented injury, medical treatment, and future impairment. The Court of Appeals substantially reduced that recovery after concluding that the evidentiary record could not support findings of permanency without expert medical testimony.

Category	Trial Court Award	Court of Appeals
Truck Damage	\$5,000.00	\$5,000.00
Medical Expenses	\$21,120.00	\$399.00
Pain and Suffering	\$90,000.00	\$0.00
Total Recovery	\$116,120.00	\$5,399.00

The significance of the petition does not arise merely from the reduction itself. Rather, the reduction illustrates the practical consequences of the rule adopted below. Objective medical records documenting long-term spinal injury were deemed insufficient to support findings concerning future impairment absent live expert testimony.

That issue carries broader implications where disability-related impairment is documented through medical records, institutional findings, and administrative determinations recognized under federal law.

II. THE PETITION RAISES A FEDERAL QUESTION CONCERNING THE TREATMENT OF DISABILITY-RELATED EVIDENCE AND FEDERALLY RECOGNIZED IMPAIRMENT.

Federal law recognizes disability through multiple frameworks, including the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq., Section 504 of the Rehabilitation Act, 29 U.S.C. § 794, and the Social Security Act, 42 U.S.C. § 423(d). *Cleveland v. Policy Management Systems Corp.*, 526 U.S. 795 (1999) *Richardson v. Perales*, 402 U.S. 389 (1971).

Petitioner does not contend that these statutes controlled the outcome of the state negligence action. Rather, they demonstrate the substantial federal interest in how disability-related impairment is evaluated and understood across legal systems.

The petition seeks clarification concerning whether state adjudicative rules may effectively exclude consideration of disability-related evidence bearing upon permanency, functional limitation, and long-term impairment.

III. RESPONDENTS' PRESERVATION ARGUMENT DOES NOT RESOLVE THE FEDERAL QUESTION PRESENTED.

Respondents rely on *Howell v. Mississippi*, 543 U.S. 440 (2005), *Adams v. Robertson*, 520 U.S. 83 (1997), and *Cardinale v. Louisiana*, 394 U.S. 437 (1969), 28 U.S.C. § 1257(a), arguing that federal questions were not presented below.

Petitioner acknowledges that the state courts did not expressly address ADA, Rehabilitation Act, or Social Security issues. The petition does not seek review of an unadjudicated statutory claim. Instead, it asks whether the state court's analytical framework, as applied, raises a federal concern regarding the treatment of disability-related impairment and federally recognized disability status.

The absence of discussion below is itself part of the concern identified in the petition.

Petitioner could not have raised the current federal question in the trial court because the and properly concluded that Petitioner suffered a severe, long-term injury (App. C). It factored that permanent constitutional injury had not yet occurred. The trial court reviewed the 2016–2017 Action Chiropractic records (App. E) impairment into the final judgment.

The federal question emerged the exact moment the en banc Court of Appeals stripped those damages away (App. A). The appellate court did not merely resolve a factual dispute; it established

a rule that an injuries judge is legally forbidden from inferring permanent impairment from objective medical records unless a live doctor reinforces them on the stand.

When a federal claim or constitutional violation arises unexpectedly from the face of a state appellate judgment, the preservation requirement is met. Petitioner has seized the first available opportunity to raise this federal issue.

IV. THE PETITION DOES NOT SEEK REVIEW OF THE SOCIAL SECURITY ADMINISTRATION DETERMINATION AS TRIAL EVIDENCE.

Respondents correctly note that the Social Security Administration's disability determination was issued after trial and was not part of the state-court record. Petitioner does not contend otherwise. The SSA determination is cited only to illustrate the broader federal interest in the treatment of disability-related impairment. The petition does not seek reversal based on that determination but instead highlights the relationship between documented long-term impairment and judicial frameworks evaluating disability-related evidence. 42 U.S.C. § 423(d), *Richardson v. Perales*, *Cleveland v. Policy Management Systems Corp.*

V. RESPONDENTS' RIGID EXPERT-WITNESS RULE HIGHLIGHTS THE FEDERAL INTEREST IN UNIFORM TREATMENT OF DISABILITY-RELATED IMPAIRMENT.

Respondents contend that the judgment below rests entirely upon an adequate and independent state-law ground: the sufficiency of evidence under Mississippi tort law. According to Respondents, the Court of Appeals merely applied ordinary causation principles by requiring expert medical testimony concerning permanency and future impairment.

That characterization understates the federal concern identified in the petition.

The issue presented is not whether Mississippi may establish evidentiary rules governing proof of damages. Rather, the question is whether state adjudicative frameworks may effectively disregard objective evidence of long-term impairment in a manner that creates substantial tension with federal disability-recognition systems.

STATE TORT CAUSATION FEDERAL DISABILITY RECOGNITION

Mississippi Appellate Rule Federal Legal Frameworks

Requires expert testimony Recognize functional limitation and to establish certain claims disability through medical records, of permanency and future clinical findings, and administrative impairment. determinations.

The record contained objective clinical documentation of cervical, lumbar, and sacroiliac injury. The trial court found that Petitioner faced an increased risk of degenerative disc disease and arthritis as a result of the collision. (App. C). The chiropractic records documenting those injuries appear in (App. E).

Petitioner does not rely upon the Social Security Administration's subsequent disability determination as retroactive trial evidence. Rather, the determination is cited only to illustrate the broader federal interest implicated by the petition. The federal government ultimately evaluated the same underlying physical impairments and determined that Petitioner was totally disabled. (App. D).

The petition therefore presents a broader question concerning the relationship between state-law adjudication of long-term injury and federal systems that recognize disability and functional limitation. Certiorari is warranted to clarify whether state courts may apply evidentiary frameworks in a manner that prevents meaningful consideration of objective disability-related evidence bearing upon permanency and long-term impairment. *Michigan v. Long*, 463 U.S. 1032 (1983).

For these reasons, the Court should grant the petition.

VI. THE ABANDONED CROSS-APPEAL REFLECTS JUDICIAL ECONOMY, NOT FORFEITURE.

Respondents contend that Petitioner forfeited federal concerns by abandoning his cross-appeal.

That contention misstates the procedural posture of this case.

Petitioner prevailed on liability and obtained a substantial damages award in the trial court.

Under those circumstances, electing not to pursue alternative theories of recovery reflected judicial economy, not an intentional waiver of constitutional or federal concerns.

Moreover, the petition does not seek review of an abandoned claim. It challenges the appellate court's treatment of objective evidence of long-term impairment and permanency. The record contained clinical documentation of cervical, lumbar, and sacroiliac injury (App. E), and the trial court recognized an increased risk of degenerative disc disease and arthritis attributable to the collision (App. C).

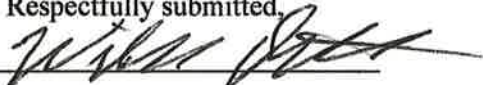
Accordingly, the decision not to pursue a cross-appeal cannot reasonably be construed as a forfeiture of federal concerns arising from the judgment ultimately rendered. Respondents' forfeiture argument therefore provides no basis for denying review.

CONCLUSION

Supreme Court Rule 10, 28 U.S.C. § 1257(a)

For the foregoing reasons, and for the reasons stated in the Petition for a Writ of Certiorari, the petition should be granted.

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