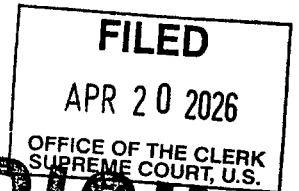


26-5077

No. _____



ORIGINAL

SUPREME COURT OF THE UNITED STATES

SHEILA ALKAMEL

Petitioners,

v.

PIEDMONT HOSPITAL, INC. , DR. SETH WALKER, DR. MORTON, and DR. JOHN
HEISLER

Respondents,

On Petition for a Writ of Certiorari to
the Georgia Supreme Court

PETITION FOR A WRIT OF CERTIORARI

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I. Question Presented

1. Whether a state court violates the Due Process Clause of the Fourteenth Amendment by dismissing a pro se litigant's medical malpractice and wrongful death complaint with prejudice for failure to attach a medical expert affidavit, where the complaint was filed within ten days of the expiration of the statute of limitations and the plaintiff contends she qualified for the statutory 45-day extension under O.C.G.A. § 9-11-9.1(b).
2. Whether requiring a contemporaneous medical expert affidavit as a prerequisite to filing suit, as applied to indigent and/or pro se litigants who face financial and practical barriers to obtaining an expert, unconstitutionally blocks access to the courts in violation of the Due Process Clause of the Fourteenth Amendment.
3. Whether dismissal of an appeal on procedural grounds violates due process where court officials' actions (including acceptance of filings and fees and provision of electronic filing access) induced a reasonable belief that the appeal was properly filed.

Parties to the Proceeding:

Petitioner: Sheila Alkamel (pro se)

Respondents: Piedmont Hospital, Inc.; Dr. Seth Walker; Dr. Morton; Dr. John Heisler.

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RULE 14.1 COMPLIANCE STATEMENT

All parties to the proceeding are listed in the caption of this petition.

Petitioner is an individual proceeding pro se.

Respondents are Piedmont Hospital, Inc., Dr. Seth Walker, Dr. Morton, and Dr. John Heisler.

No corporate disclosure statement is required because Petitioner is not a corporation.

The judgment of the Supreme Court of Georgia was entered on January 21, 2026. This petition is timely filed within 90 days of that judgment pursuant to Rule 13 of the Rules of this Court.

This Court has jurisdiction under 28 U.S.C. § 1257(a).

III. Table of Authorities

Cases

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List of Proceedings:

- Fulton County Superior Court, Case No. 24CV016250
 - Dismissal Order entered March 12, 2025.
 - Order Denying Motion to Set Aside entered March 21, 2025
- Court of Appeals of the State of Georgia, Case No. A25A1901
 - Order Dismissing Appeal for Lack of Jurisdiction entered June 20, 2025
- Supreme Court of Georgia, Case No. S25C1499
 - Certiorari denied January 21, 2026

Citations of Opinions and Orders:

Order Denying Motion to Set Aside entered March 21, 2025

Order Dismissing Appeal for Lack of Jurisdiction entered June 20, 2025

Certiorari denied January 21, 2026

Basis for Jurisdiction:

This Court has jurisdiction under 28 U.S.C. § 1257(a) because the Supreme Court of Georgia denied certiorari on January 21, 2026, rendering the judgment final, and Petitioner raises federal questions under the Fourteenth Amendment.

Constitutional Provisions Involved:

The Fourteenth Amendment to the United States Constitution provides, in relevant part: no state shall deprive any person of life, liberty, or property, without due process of law.

Statement of the Case:

Petitioner Sheila Alkamel, proceeding pro se, filed a medical malpractice and wrongful death action in the Superior Court of Fulton County, Georgia, on December 23, 2024, arising from the death of her mother, Zola Mae Colvin-Langston, who died on January 2, 2023.

The complaint was filed without a contemporaneous expert affidavit required by O.C.G.A. § 9-11-9.1(a). Petitioner contended she filed within ten days of the expiration of the statute of limitations and therefore qualified for the statutory 45-day extension under O.C.G.A. § 9-11-9.1(b).

Defendants were served on January 7, 2025, and moved to dismiss on February 6, 2025. Petitioner filed a motion for extension of time to obtain the required medical affidavit on March 10, 2025.

On March 12, 2025, the trial court granted Defendants' motion to dismiss and dismissed the case with prejudice, concluding that an expert affidavit was required with the complaint and that no extension was permitted under the circumstances presented. The trial court stated that O.C.G.A. § 9-11-9.1(b) provides a 45-day grace period in certain situations which must be shown by an attorney affidavit citing Peck

v. Bishop, 294 Ga. App. 132.

Petitioner filed a motion to set aside under O.C.G.A. § 9-11-60, which the trial court denied on March 21, 2025, reasoning that the safe harbor in O.C.G.A. § 9-11-9.1(b) requires an attorney affidavit and therefore does not apply to a pro se litigant.

Petitioner filed a direct appeal on April 21, 2025. On June 20, 2025, the Georgia Court of Appeals dismissed the appeal for lack of jurisdiction, holding that (1) denial of a motion to set aside requires a discretionary application under O.C.G.A. § 5-6-35(b), and (2) the appeal from the March 12, 2025 dismissal order was untimely because the notice of appeal was filed 40 days after entry of the dismissal order.

Petitioner sought further review in the Supreme Court of Georgia, which denied certiorari on January 21, 2026.

Argument/Reason to Grant Writ:

This case presents an important federal question: whether rigid enforcement of a pre-suit expert-affidavit requirement, as applied to a pro se litigant who contends she qualified for a statutory extension, violates due process.

Petitioner filed her complaint within ten days of the expiration of the statute of limitations and contends that this timing triggered the 45-day extension under O.C.G.A. § 9-11-9.1(b). The trial court nevertheless dismissed the action with prejudice for failure to include a contemporaneous affidavit, refusing to apply the extension on the ground that the safe harbor requires an attorney affidavit and thus does not apply

to a pro se litigant.

Petitioner submits that this application of the statute raises a federal due process issue because it operates as a categorical bar to court access for pro se litigants in the precise circumstance the extension was designed to address-imminent expiration of the limitations period.

The affidavit requirement, as applied here, plausibly functions as a barrier to court access for indigent and pro se litigants, raising due process concerns.

Petitioner contends that requiring a contemporaneous medical expert affidavit imposes significant financial and logistical barriers, including difficulty obtaining experts willing to work with pro se litigants and inability to afford an expert during a period of mourning and financial hardship.

Petitioner further contends that, as applied, the rule prevented adjudication on the merits and resulted in dismissal with prejudice without reaching the substance of her claims. This Court's review is warranted to address the constitutional limits on procedural prerequisites that, in operation, can prevent filing altogether for certain classes of litigants.

The case also presents a due process question concerning dismissal of appellate review on procedural grounds where Petitioner alleges reasonable reliance on court officials' actions.

The Georgia Court of Appeals dismissed Petitioner's appeal for lack of jurisdiction based on the discretionary-appeal requirement and untimeliness. Petitioner contends that court clerk actions-accepting filings and fees and providing

electronic filing access-induced her to believe her appeal was procedurally proper, and that dismissal under these circumstances raises fundamental fairness concerns.

Petitioner also requested that the appellate court construe her filings as a discretionary application. The interaction between strict jurisdictional rules and alleged reliance on court administrative actions presents an important question of procedural due process in access to appellate review.

This case is an appropriate vehicle for review because the state proceedings are final and the federal questions were presented.

The Supreme Court of Georgia denied certiorari on January 21, 2026, rendering the judgment final for purposes of 28 U.S.C. § 1257(a). Petitioner's filings consistently raised the core contentions that (1) she should have received the statutory extension, (2) the affidavit requirement can block access to courts for pro se litigants, and (3) dismissal of appellate review based on procedural technicalities, in the face of alleged clerk-induced reliance, is fundamentally unfair.

Conclusion:

For the foregoing reasons, Petitioner respectfully requests that this Court grant the petition for a writ of certiorari, review the judgment below, and grant such further relief as this Court deems just and proper.

Respectfully Submitted,

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APPENDIX