FILED
OCT 13 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

No. 26-5192

IN THE SUPREME COURT OF THE UNITED STATES

DAPHNIE NEWMAN BOUDY,
Petitioner,

v.

MCCOMB SCHOOL DISTRICT, MCCOMB SCHOOL DISTRICT BOARD OF TRUSTEES, and JAMES HARVEY, former Interim Principal now Assistant Principal and in his official capacity,
Respondents.

On Petition for Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit

PETITION FOR REHEARING

Daphnie Newman Boudy, disabled, pro se
Filing with help from her daughter
Mailing address: 111 Oak Street
McComb, Mississippi 39648
Phone: 985.285.8712
Email: daphnieboudy@outlook.com

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Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. § 12101), Rehabilitation Act of 1973, Title VII codified at 42 U.S.C. 2000e and Title IX of the Education Amendments of 1972

II.

Grounds/Argument Rule 44 - Due to newly discovered information, intervening circumstances of a substantial or controlling effect, legal error, misapprehended or other substantial grounds not previously presented, Petitioner wishes to submit her Petition for Rehearing:

1. The U.S. Supreme Court attached the District Court's Memorandum Opinion and Order filed on March 11, 2024 [Doc 90] to the 5th Circuit's Judgement and Opinion. Plaintiff **never** filed or submitted on August 8 "a motion [41] asking the Court for additional time to perfect service of process on all Defendants." Plaintiff **never** admitted she "insufficiently served Defendants". In fact, Petitioner nor Petitioner's minor daughter **never** signed the August 8 motion and the motion **does not** have Petitioner's signature nor Petitioner's minor daughter's signature. It appears signatures were tampered with on a number of documents.
2. **In the Order granting Doc 41, the District Court acknowledged Defendants were served via USPS certified mail, made appearances in the record, attended conferences, hearings, submitted pleadings and already submitted to the Court's jurisdiction even without proper service.**
3. Defendants constantly falsely claimed Petitioner took almost one (1) year to perfect service yet their first Motion to Dismiss was filed four months later after they constantly made appearances in the record, were actively involved in the case, filed interrogatories, disclosures, responded to motions, attended hearings and conferences, and responded and supported Plaintiff's attorneys Motion to Withdraw, etc.
4. The District Court's Memorandum Opinion and Order filed on March 11, 2024 (Doc 90, pg. 2 small print at the bottom), the District Court noted **"Even without proper service, Defendants answered Plaintiff's Complaint, responded to several of Plaintiff's motions, had counsel make appearances in the case, and participated in two telephonic conferences, and filed a motion to dismiss. [6], [14], [15], [45], [46], [56] at p. 3-4".**
5. As Defendants filed Motions to Dismiss, the District Court continued ordering Petitioner to serve Defendants, which purposely delayed the case

and severely prejudiced Petitioner, yet the finger pointing was solely blamed on indigent, mentally ill, pro se disabled Petitioner.

From June - September 2023, Petitioner experienced severe side effects from constant changes in medication management and additional mental illness symptoms. In September 2023, Petitioner retained two attorneys and voluntarily admitted herself into an inpatient psychiatric treatment facility in Jackson MS for medication management and readjustment and monitoring from September 29 - October 5, 2023.

Upon enrolling in September 2023, Petitioner's two attorneys informed her of an order where she needed to reserve Defendants as she trusted her attorneys to do so. When Defendant's second Motion to Dismiss and Memorandum was filed, Defendants made the District Court and Petitioner aware of her two attorneys failure to properly reserve Defendants, fraudulent behavior, filing false statements into the record, and filing a fraudulent affidavit into the record by process server (Attorney James Priest's father).

The District Court dismissed Petitioner's case while her two attorneys' Motion to Withdraw was pending. Petitioner filed a Motion to Reconsider, which was granted. **Petitioner was again ordered to perfect service on Defendants (even though Defendants already submitted to the Court's jurisdiction) as service was perfected via U.S. Marshall's service with help and payment from Petitioner's minor daughter.**

In Petitioner's Writ she presented this question asking as this motion was filed May/June 2023 and Defendants responded: Did the 5th Circuit Court set a dangerous precedent, clear err, caused a major breach, violations of legal fairness and chronically violated Petitioner's due process when it ignored, disregarded and failed to consider in Defendants own Reply Brief where they referenced **Petitioner's Motion to Disqualify Attorney Kashonda L. Day** pursuant to *FRCP 3.7 Lawyer As Witness* and *Conflict of Interest* in *5th Circuit Court of Appeal In re: Daphnie Newman Boudy Dated 7/28/2023 Case No. 23-60401*? Attorney Kashonda L. Day is listed as one of **Petitioner's necessary witnesses** as she approved the elimination of Petitioner's job and ADA accommodations with the McComb School District. Attorney Day's testimony and notes are vital in this case. Attorney Kashonda Day never opposed being called as one of Petitioner's witnesses as Petitioner moved to have Attorney Day disqualified, which was denied. In *Disability Rights Mississippi vs. the McComb School District, et. al. No. 5:22-cv-00091-DCB-BWR*, its documented that **Defendants and their legal counsel (Attorney Kashonda L. Day)** have a history of discriminating, violating federal law and state law in "the reporting, exploitation and abuse/neglect of students" and "impeding DRMS from

exercising its federal mandate and duty to protect and advocate for individuals with mental illness."

6. **The U.S. Supreme Court attached the District Court's Memorandum Opinion and Order filed on March 11, 2024 [Doc 90] to the 5th Circuit's Judgement and Opinion, which failed to acknowledge Petitioner's case as a disability claim.**

In Petitioner's original complaint (Appendix 2, p. 2) under Nature of the Claim, Petitioner claimed violations of her **Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. § 12101)**, Rehabilitation Act of 1973, Title VII codified at 42 U.S.C. 2000e and Title IX of the Education Amendments of 1972, etc.

In Petitioner's original **Complaint Count III (Appendix 2 p. 29)**, she claimed violations of Title I and Title V of the Americans with Disabilities Act of 1990, as codified, 42 U.S.C. § 12112 to 1217 Based on Discrimination and Retaliation.

In Petitioner's original **Complaint Count IV (Appendix 2 p. 30)**, she claimed violations of Section 501 and 505 of the Rehabilitation Act of 1973 Based on Discrimination and Retaliation.

In Petitioner's Writ she presented this question asking, did the 5th Circuit Court set a dangerous precedent, clear error, caused a major breach, violations of legal fairness and chronically violated Petitioner's due process when it ruled on Petitioner's case as a **Title VII case only**? During Oral Arguments on **September 2, 2025**, 5th Circuit Court Judge Prsicilla Richman asked Defendants Attorney Mary Clark Joyner if this was a disability case. Attorney Mary Clark Joyner replied, "No...this is a Title VII case" as the 5th Circuit has a duty of factual findings per *FRCP 52(a)(6)*. On April 24, 2023, Petitioner filed her original employment discrimination claim and 35 attached exhibits (Appended 2) with preexisting mental illnesses for violations of her American with Disabilities Act (ADA) rights, Rehabilitation Act, Title VII and Title IX claims. The District Court did not rule on any claims in this case.

III.
Certificate of Good Faith

This Petition for Rehearing certifies compliance with Rule 44 and attesting that the filing is not for delay and is submitted in good faith.

Daphnie Newman Boudy, disabled, pro se

10/13/2026

PRAYER AND RELIEF

Petitioner prays her Petition for Rehearing is granted pursuant to Rule 44.

Respectfully Submitted:

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Respondents.

PROOF OF SERVICE

I, Daphnie Newman Boudy, do swear or declare that on this date _____October 13_____, 2026 as required by Supreme Court Rule 29 I have served the on each party the **Petition for Rehearing** to the above proceeding or that party's counsel and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within three (3) calendar days.

The names and addresses of those served are as follows:

Attorneys Mary Clark Joyner at 1018 Highland Colony Parkway #800, Ridgeland MS 39157 - UPS/FedEx No. 7018 2290 0002 2404 6337

Attorney Kashonda L. Day at 1018 Highland Colony Parkway #800, Ridgeland MS 39157 - UPS/FedEx No. 7018 2290 0002 2404 6344

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7018 2290 0002 2404 6351