

In the
Supreme Court of the United States

GENAY L. AMERSON,

Petitioner,

v.

NEVADA EDUCATION CORPORATION
DBA LAS VEGAS COLLEGE, ET AL.,

Respondents.

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

APPENDIX TO
BRIEF IN OPPOSITION

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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

GENAY L. AMERSON, AN INDIVIDUAL

CASE NO. 2:24-cv-01589-EJY

SECOND AMENDED COMPLAINT

Plaintiff,

vs.

LAS VEGAS COLLEGE; MIKHAIL EDUCATION CORPORATION, A DOMESTIC CORPORATION; PETER MIKHAIL, PRESIDENT/CEO/AGENT/TREASURER OF MIKHAIL EDUCATION CORPORATION AND OWNER/AGENT LAS VEGAS COLLEGE; DOES 1 through 10; ROE ENTITIES 11 through 20, inclusive jointly and severally,

Defendants.

I. INTRODUCTION

*A falsis principiis proficisci*¹, moving forward from false principles, is the entire foundation of DEFENDANTS defense against PLAINTIFF assertions she was forced to learn in a hostile educational environment for most of the time she was student at LAS VEGAS COLLEGE, that stemmed from DEFENDANTS intentional discrimination and retaliation against her, indifference to her pleas for intervention, **failure** to keep their contractual agreement to reasonably accommodate the

¹ *a falsis principiis proficisci* means to proceed from false principles.

1 disabled, see Exhibit A, and in an effort to permanently cripple PLAINTIFF **opportunity** to become
2 a licensed and Registered Nurse and benefit from financial independence²; DEFENDANTS
3 wrongfully terminated her from the Nursing program in **retaliation** and in violation of LAS VEGAS
4 COLLEGE SUBSTANCE ABUSE POLICY AND PROCEDURES, see Exhibit B, in retaliation
5 tampered with her official grades and falsified her official transcript, see Exhibit C, and dismissed her
6 disability discrimination complaints as not falling under Title IX, see Exhibit D, and wrongfully
7 terminated, see Exhibit E, her from the Nursing program, to further DEFENDANTS *a falsis principiis*
8 *proficisci*, that PLAINTIFF was a poor student, when in fact she was a student in GOOD STANDING,
9 who was on track to graduate in July 2023. Does PLAINTIFF USC graduation plaque, see Exhibit F,
10 from when she walked in her 1994 graduation at the UNIVERSITY OF SOUTHERN CALIFORNIA,
11 give poor student vibes?
12

13
14 PLAINTIFF asserts DEFENDANTS actions as outlined herein, were unlawful under 504 of
15 the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964/2000³, Inflicted Emotional
16 Distress upon PLAINTIFF, and TORTIOUSLY INTERFERED with her student contractual
17 agreement and ECONOMIC ADVANTAGE from being a licensed and Registered Nurse in Nevada.
18 Now PLAINTIFF is before this Court, as her entire educational and professional future resting in the
19 balance, and will be determined by this Court, and as such, PLAINTIFF pleads the following:
20

21 **II. LEGAL STANDARD**

22 Fed. R. Civ. P. 15(a)(2). "[t]he court should freely give leave [to amend] when justice so requires."

23 Fed. R. Civ. P. 15(a)⁴.

24 **A.** PLAINTIFF filed a Motion to Amend her First Amended Complaint on November 25,
25 2024, which was denied in part and granted in part by Court ORDER AND REPORT AND
26

27 ² Nursing shortage in Nevada gives almost a guarantee that newly licensed and Registered Nurses will be hired. Nevada.gov
Department of Health and Human Resources.

28 ³ Title VI amended by Executive Order 13160.

⁴ Federal Civil Procedure Rule 15.

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RECOMMENDATIONS filed on December 20, 2024, granting PLAINTIFF to take leave to file a Second Amended Complaint by January 21, 2025. See Exhibit G.

B. PLAINTIFF filed her OBJECTIONS TO ORDER AND REPORT AND RECOMMENDATIONS and outlined her Second Amended Complaint to be filed. See Exhibit H.

III. MEMORANDUM OF POINTS AND AUTHORITIES

A. ALTER EGO DOCTRINE⁵ supports inclusion of **PETER MIKHAIL**, being individually sued in this case under **NRS 86.376** and **NRS 78.747**, after **PETER MIKHAIL** inserted himself beyond his fiduciary responsibilities to become personally involved and act as if he is the corporation and the corporation is him, and was informed, participated in, and spearheaded decisions against **PLAINTIFF** in Retaliation for her filing a **Disability DISCRIMINATION** complaint with the **DOJ** against **LAS VEGAS COLLEGE**; and must meet two criteria to stand.

i. DID corporate officer participate in fraud or injustice upon PLAINTIFF, in this case, PETER MIKHAIL OWNER/PRESIDENT/CEO/TREASURER/AGENT of MIKHAIL EDUCATION CORPORATION and OWNER/AGENT of LAS VEGAS COLLEGE.

ii. Was subsidiary, in this case, LAS VEGAS COLLEGE, so organized and controlled, and its affairs so conducted that is in fact a mere instrumentality or adjunct or another corporation.

iii. MIKHAIL EDUCATION CORPORATION signed the Reasonable Accommodations contract, sat on the Appeal and Board of Conduct committees, and overtook LAS VEGAS COLLEGE responsibilities to properly investigate

⁵ Nevada Rules of Civil Procedure 86.376 and 78.747.

and resolve PLAINTIFF disability discrimination complaints.

B. TITLE VI of the CIVIL RIGHTS ACT of 1964/2000⁶ for INTENTIONAL DISCRIMINATION OF DISABLED, DELIBERATE INDIFFERENCE OF INTENTIONAL DISCRIMINATION, HOSTILE EDUCATIONAL ENVIRONMENT, and RETALIATION AGAINST DISABLED for PLAINTIFF having asserted her right to not be discriminated against because of her disabilities, for reporting DEFENDANTS disability discrimination against her to the DOJ, and for the loss of Amanda Bogнар; and must meet four criteria to stand.

- i. Was the student subjected to severe, pervasive, and objectively offensive harassment.
- ii. Did harassment cause deprivation of educational opportunities or benefits.
- iii. Did the school know of harassment.
- iv. Did harassment occur in programs and activities
- v. Amended to include discrimination against disabled⁷.
- vi. Prohibits retaliation against those discriminated against for asserting their legal right to not be discriminated against.
- vii. Allows for Individual Right of Action.

C. 504 of the REHABILITATION ACT⁸ supports inclusion for FAILURE TO ACCOMMODATE TO ACCOMMODATE DISABLED, INTENTIONAL DISCRIMINATION OF DISABLED, and RETALIATION AGAINST DISABLED for for PLAINTIFF having asserted her right to not be discriminated against because of her disabilities, for reporting DEFENDANTS disability discrimination against her to the DOJ,

⁶ Title VI of the Civil Rights Act of 1964 Amended to include disability by Executive Order 13160.

⁷ Same as footnote 6.

⁸ 504 of the Rehabilitation Act of 1973.

and for the loss of Amanda Bognar; and must meet three criteria to stand.

- i. Was the student disabled.
- ii. Was the student otherwise qualified, meaning they can perform the essential functions with or without accommodation, in this case, qualified to be a nursing student.
- iii. Did the student suffer adverse action because they were disabled.
- iv. Prohibits retaliation against those discriminated against for asserting their legal right to not be discriminated against.

D. IIED⁹ supports inclusion of Intentional Infliction of Emotional Distress upon PLAINTIFF, created as a direct result of PLAINTIFF being subjected to learning in a HOSTILE EDUCATIONAL ENVIRONMENT that caused her extreme duress and humiliation after DEFENDANTS removed her from the Nursing program at LAS VEGAS COLLEGE, in further RETALIATION AGAINST her for PLAINTIFF having asserted her right to not be discriminated against because of her disabilities, for reporting DEFENDANTS disability discrimination against her to the DOJ, and for the loss of Amanda Bognar; and must meet three criteria to stand.

- i. Was DEFENDANTS conduct outrageous and extreme and outside the bounds of decency.
- ii. Did DEFENDANTS act intentionally to cause severe emotional distress or were so negligent in causing the emotional distress.
- iii. Was DEFENDANTS conduct the actual cause of the severe emotional distress.

E. TORTIOUS INTERFERENCE WITH A CONTRACT¹⁰ supports inclusion alongside

⁹ Based on Nevada Torte law.

¹⁰ Based on Nevada Torte law.

1 RETALIATION AGAINST DISABLED for DEFENDANTS WRONGFUL
2 TERMINATION of HER STUDENT CONTRACTUAL AGREEMENT only in
3 RETALIATION for for PLAINTIFF having asserted her right to not be discriminated against
4 because of her disabilities, for reporting DEFENDANTS disability discrimination against her
5 to the DOJ, and for the loss of Amanda Bognar; and has four criteria to stand.

- 6
- 7 i. Did a valid contract exist between PLAINTIFF and a third party, in this case,
- 8 LAS VEGAS COLLEGE.
- 9 ii. Did DEFENDANTS, in this case, PETER MIKHAIL and MIKHAIL
- 10 EDUCATION CORPORATION, have knowledge of the contract between
- 11 PLAINTIFF and the third party.
- 12 iii. Did DEFENDANTS, in this case PETER MIKHAIL and MIKHAIL
- 13 EDUCATION CORPORATION, **improperly** or **intentionally** interfered with
- 14 PLAINTIFF, in this case, student contractual agreement, without justification.
- 15
- 16 iv. Did DEFENDANTS, in this case PETER MIKHAIL and MIKHAIL
- 17 EDUCATION CORPORATION, disrupt, in this case, PLAINTIFF student
- 18 contractual agreement.
- 19 v. PLAINTIFF must prove DEFENDANTS, in this case PETER MIKHAIL and
- 20 MIKHAIL EDUCATION CORPORATION, interference caused the disruption of
- 21 her, in this case, student contractual agreement as evidenced by LAS VEGAS
- 22 COLLEGE Termination Letter¹¹, removing PLAINTIFF from the Nursing
- 23 program.
- 24

25 **F. TORTIOUS INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE¹²**

26

27
28 ¹¹ See Exhibit E.

¹² Based on Nevada Torte law.

1 supports inclusion alongside RETALIATION AGAINST DISABLED for loss of
 2 PLAINTIFF potential earnings as a Registered Nurse in the State of Nevada after graduating
 3 from LAS VEGAS COLLEGE that would allow her benefit of financial independence¹³, as a
 4 direct result of DEFENDANTS interference in RETALIATION for for PLAINTIFF having
 5 asserted her right to not be discriminated against because of her disabilities, for reporting
 6 DEFENDANTS disability discrimination against her to the DOJ, and for the loss of Amanda
 7 Bognar; and must meet five criteria to stand.
 8

- 9 i. Did PLAINTIFF have a business relationship **or expected to establish** one with a
 10 third party, as in this case.
- 11 ii. Would the expected relationship **benefit** PLAINTIFF **financially**.
- 12 iii. Did DEFENDANTS know about the expected relationship PLAINTIFF expected
 13 to establish, in this case, becoming a licensed and Registered Nurse in Nevada.
- 14 iv. Did DEFENDANTS **intentionally interfere** with the expected relationship and
 15 was interference **improper**.
- 16 v. Did DEFENDANTS conduct disrupt or terminate the possibility of the expected
 17 relationship and did PLAINTIFF **suffer damages** as a result.
 18

19 **IV. PARTIES**

20 **A. PLAINTIFF**

- 21 i. At all times relevant, **PLAINTIFF** was a resident of Clark County, State of
 22 Nevada. **PLAINTIFF** self identified and was identified as **DISABLED**¹⁴ and was
 23 an individual, who was otherwise qualified to fully participate in **LAS VEGAS**
 24 **COLLEGE** Nursing program.
 25

26
 27
 28 ¹³ Based upon media Nursing salaries in Nevada \$96,310. Nursa.com

¹⁴ PLAINTIFF on SSDI since 2012.

B. DEFENDANTS

ii. At all times relevant herein, upon information and belief **DEFENDANT, LAS VEGAS COLLEGE** is a trade school organized and existing by virtue of the laws of the State of Nevada and was served with process by service upon its parent company's registered agent, Peter Mikhail, 5150 S. Decatur Blvd, #8, Las Vegas NV 89118 on .

iii. At all times relevant herein, upon information and belief, **DEFENDANT, MIKHAIL EDUCATION CORPORATION**, is a corporation organized and existing by virtue of the laws of the State of Nevada, and was served with process by service upon its registered agent, Peter Mikhail, 5150 S Decatur Blvd, #8, Las Vegas, NV 89118 on .

iv. At all times relevant herein, upon information and belief, **DEFENDANT, PETER MIKHAIL**, is an individual who is currently, and was at all relevant times herein, a resident of the State of Nevada, County of Clark, City of Las Vegas who meets the standards for inclusion under the **ALTER EGO DOCTRINE** as outlined in **MEMORANDUM OF POINTS AND AUTHORITIES** contained above and set forth herein, and was served with process by service upon its registered agent, Peter Mikhail, 5150 S Decatur Blvd, #8, Las Vegas, NV 89118 on .

C. DOE DEFENDANTS

i. Except as described herein, **PLAINTIFF** is ignorant of the true names and/or capacities of the **DEFENDANTS** sued as **DOES 1** through 100, inclusive, and therefore, **PLAINTIFF** sues these **DEFENDANTS** by such fictitious names. Following further investigation and discovery, **PLAINTIFF** will seek leave of this Court to amend this Complaint to allege their true names and capacities when

1 ascertained. These fictitiously named **DOE DEFENDANTS** are responsible in
2 some manner for the acts, occurrences, and events alleged herein. These **DOE**
3 **DEFENDANTS** aided, abetted, and/or conspired with **DEFENDANTS** in the
4 wrongful acts and course of conduct, or otherwise negligently caused the damages
5 and injuries claimed herein and are responsible in some manner for the acts,
6 occurrences, and events alleged in this Second Amended Complaint.
7

8 ii. The names and capacities, whether individual, corporate, associate or otherwise,
9 of **DEFENDANTS** and/ or their alter egos sued herein as **PETER MIKHAIL**,
10 and Entities **LAS VEGAS COLLEGE** and **MIKHAIL EDUCATION**
11 **CORPORATION**.

12 iii. The true names and capacities of the **DEFENDANTS** designated herein as **DOE**
13 or **ROE** individuals, political subdivisions or corporations are presently unknown
14 to **PLAINTIFF** at this time, who therefore sue said **DEFENDANTS** by such
15 fictitious names. When the true names and capacities of these **DEFENDANTS**
16 are ascertained, **PLAINTIFF** will amend this Complaint accordingly.
17

18 **D. AGENCY, JOINT VENTURE, AND CONCERT OF ACTION**

19 i. At all relevant times, **DEFENDANTS** was/were the agents, servants, employees,
20 partners, aiders and abettors, co-conspirators, and/or joint venturers of each of the
21 other **DEFENDANTS** and were at all times operating and acting within the
22 purpose and scope of said agency, service, employment, partnership, enterprise,
23 conspiracy, and/or joint venture, and each **DEFENDANT** has ratified and
24 approved the acts of each of the remaining **DEFENDANT**.
25

26 ii. Each **DEFENDANT** aided and abetted, encouraged, and rendered substantial
27 assistance to the other **DEFENDANTS** in breaching their obligations to
28

1 **PLAINTIFF**. In taking action to aid and abet and substantially assist the
2 commission of these wrongful acts and other wrongdoings alleged herein, each
3 **DEFENDANTS** acted with an awareness of his/her/its primary wrongdoing and
4 realized his/her/its conduct would substantially assist the accomplishment of the
5 wrongful conduct, wrongful goals, and wrongdoing, and as such **DEFENDANTS**
6 are responsible and liable, both individually and collectively, as alleged herein.
7

8 **V. JURISDICTION AND VENUE**

- 9 i. The events that give rise to **PLAINTIFF** complaint occurred in Clark County,
10 Nevada.
- 11 ii. This Court is a court for Federal subject matter jurisdiction and, therefore, has
12 subject matter jurisdiction over all causes of action alleged herein as Ordered by
13 this Court on . See Exhibit I.
- 14 iii. This Court has personal jurisdiction over all parties to this action because each
15 and every party has sufficient minimum contacts with the State of Nevada arising
16 out of or relating to the claims for relief herein alleged, such that this Court's
17 exercise of personal jurisdiction comports with traditional notions of
18 fair play and substantial justice¹⁵.
- 19
20 iv. **PLAINTIFF** is informed and believes, and thereon alleges, that **DEFENDANTS**
21 have **joined** and **removed** themselves to Federal Court¹⁶ as ENTITIES and
22 INDIVIDUALS doing business and residing in the **judicial district of Southern**
23 **Nevada**, and therefore, venue is proper in this UNITED STATES DISTRICT
24 COURT OF NEVADA.
25
26

27
28 ¹⁵ See Order issued October 21, 2024.

¹⁶ **DEFENDANTS** joined and removed themselves to Federal Court on .

1 **VI. FACTUAL BASIS FOR CLAIMS ASSERTED**

2 **A. FAILURE TO REASONABLY ACCOMMODATE DISABLED.**

3 1. On September 22, 2021, LAS VEGAS COLLEGE drafted a **Response to Reasonable**
4 **Accommodation Request**¹⁷ and had MIKHAIL EDUCATION Compliance Officer, Kristen
5 Brown, sign on behalf of **DEFENDANTS**, and **PLAINTIFF** signed on October 1, 2021,
6 making it a binding **contractual agreement**¹⁸. Contained within the agreement is a quarterly
7 accommodation for **reading materials** and **course syllabi** a week before the beginning of
8 **each quarter**.
9

10 2. **Quarter II** began on On October 11, 2021. October 4, 2021, was the due date for
11 PLAINTIFF to receive her reading materials and course syllabi, but PLAINTIFF was not
12 accommodated quarter II.
13

14 3. **Quarter III** began on On January 17, 2022. January 10, 2022, was the due date for
15 PLAINTIFF to receive her reading materials and course syllabi, but PLAINTIFF was not
16 accommodated quarter III.

17 4. **Quarter IV** began on April 18, 2022. April 11, 2022, was the due date for PLAINTIFF to
18 receive her reading materials and course syllabi, but PLAINTIFF was not accommodated
19 quarter IV.

20 5. **Quarter V** began on July 18, 2022. July 11, 2022, was the due date for PLAINTIFF to
21 receive her reading materials and course syllabi, but PLAINTIFF was not accommodated
22 quarter V.
23
24
25
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27
28 ¹⁷ See Exhibit A.

¹⁸ See Exhibit A.

1 **6. PLAINTIFF** attended nursing school for **10 months** without receiving **reasonable**
2 **accommodations** contracted to be provided to her as an individual, otherwise qualified with
3 **disabilities**¹⁹.

4 **B. INTENTIONAL DISCRIMINATION AGAINST DISABLED.**

5 **7.** PLAINTIFF filed her first DISABILITY DISCRIMINATION complaint on February
6 13, 2024. She reported DISCRIMINATION to Susan Holm, the Nursing Director of LAS
7 VEGAS COLLEGE Nursing program. In her complaint she stated students were actively
8 interfering with her ability to participate in her education.

9 **8.** In response, Susan Holm, suggested PLAINTIFF finds a way to hide her
10 DISABILITIES and rescind her complaint.

11 **9.** PLAINTIFF answered her by informing Director Holm, she could not control her
12 “disability ticks” and included information on 504 of the Rehabilitation Act, stating such
13 request are prohibited from being asked of individuals with DISABILITIES and unlawful,
14 in an email dated February 14, 2022. See Exhibit J.

15 **10.** In addition to providing Director Holm with DISABILITY guidelines under 504,
16 PLAINTIFF also disclosed her medical cannabis use and explained her disease process
17 almost took her life and how cannabis saved her from a premature death.

18 **11.** After February 14, 2022, PLAINTIFF is targeted, intentionally discriminated against
19 and harassed by her FUNDAMENTAL II instructor, Amanda Bogнар, who referred to
20 PLAINTIFF as a “bad apple” during lecture and became the lead in the campaign to
21 remove PLAINTIFF from the Nursing program, after Susan Holm informed her
22 PLAINTIFF complained about being discriminated against because of her disabilities.

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28 ¹⁹ PLAINTIFF **disabilities** include: learning, reading, concentrating, thinking,
communication, neurological, autoimmunity, central nervous system, and endocrine system.

1 **12.** On February 24, 2022, Amanda Bognar intentionally discriminated and harassed
2 PLAINTIFF by downgrading her midterm grade.

3 **13.** On March 1, 2022, her intentional discrimination escalates, and disregarding policy and
4 procedures she locks PLAINTIFF only out of her SIMULATION LAB.

5 **14.** On March 2, 2022, Amanda Bognar and Chance Ewing go beyond intentional
6 discrimination and harassment, and assaulted PLAINTIFF when they ambushed her in his
7 office instead of providing her with the copy of the variance, she was given the for the
8 previous day because her watch was not on her wrist and clipped to her nursing uniform
9 instead.
10

11 **15.** On March 2, 2022, Chance Ewing, content administrator responsible for providing
12 PLAINTIFF worth reasoning materials and course syllabi, intentionally discriminates
13 against PLAINTIFF after assaulting her, by filing an erroneous Code of Conduct
14 Complaint against PLAINTIFF to try and remove her from the Nursing program.
15 PLAINTIFF was scheduled for a hearing the following day, until she requested the specific
16 infraction/s she committed to be prepared, and in response the Code of Conduct complaint
17 was dropped and her hearing canceled.
18

19 **16.** On or about March 2, 2022, David Dolbow, Director of LAS VEGAS COLLEGE,
20 instructs Amanda Bognar to cease her intentional discrimination and harassment of
21 PLAINTIFF.
22

23 **17.** On March 3, 2022, Amanda Bognar intentionally discriminated and harassed
24 PLAINTIFF, after being instructed to cease and desist, and threatened to variance
25 PLAINTIFF out of the program again, for requesting to meet and discuss her (fraudulent)
26 midterm grade.
27
28

1 **18.** On March 3, 2022, PLAINTIFF reported threat to David Dolbow, Director of LAS
2 VEGAS COLLEGE, intervened to stop Amanda Bognar, who separated from LAS
3 VEGAS COLLEGE on or about March 4, 2022, after meeting with David Dolbow.

4 **19.** This was the first and last time LAS VEGAS COLLEGE intervened to cease the
5 intentional discrimination and harassment of PLAINTIFF daily in lectures, labs,
6 SIMULATIONS Lab, and upcoming clinical rotations, because PLAINTIFF blamed for
7 the loss of Amanda Bognar.
8

9 **20.** At the end of quarter IV Brandon Murphy, PLAINTIFF Adult I instructor, attempted to
10 fail her in retaliation for PLAINTIFF filing disability-discrimination complaints against the
11 administration, with the DOJ, and for the loss of his predecessor, Amanda Bognar.

12 **21.** On July_ , 2022, PLAINTIFF filed a formal appeal with LAS VEGAS COLLEGE to
13 challenge the **F** given to her by Brandon Murphy, who had to erase five graded
14 assignments completed by PLAINTIFF during the quarter, and misappropriate points
15 awarded on a final exam, to generate a failing grade.
16

17 **22.** On July_ , 2022, the Appeals Committee found that indeed Brandon Murphy had not
18 correctly awarded PLAINTIFF an additional point on her final exam, bringing her to a
19 barely passing grade of **C**. The Appeals Committee refused to award PLAINTIFF credit for
20 the five assignments included with her appeal of her Adult I grade that went unaddressed.
21 Susan Holm stated they were not included because turned in past the due date. PLAINTIFF
22 was however granted an extension, and all assignments were submitted before the extended
23 due date, shown in Exhibit K.
24

25 **23.** Brandon Murphy and LAS VEGAS COLLEGE intentionally discriminated against
26 PLAINTIFF and denied graded assignments completed by the extended deadline, in
27
28

1 retaliation for PLAINTIFF having filed disability-discrimination complaints against
2 administration, with the DOJ, and for the loss of instructor Amanda Bognar.

3 **24.** When DEFENDANTS could not successfully remove PLAINTIFF from the Nursing
4 program, they went to plan B, hold her back, in retaliation for her having asserted her rights
5 to not be discriminated against because of her disabilities. When plan B failed, they went to
6 plan C, remove PLAINTIFF by any means, no matter how unlawful.
7

8 **25.** DEFENDANTS intentionally discriminated against PLAINTIFF on August 11, 2022,
9 exactly 178 days after she filed her first disability-discrimination complaint and unlawfully
10 dismissed all of LAS VEGAS COLLEGE accountability and wrongdoings as not falling
11 under the protections of Title IX²⁰.
12

13 **26.** At all times relevant, LAS VEGAS COLLEGE received federal financial assistance,
14 and were aware upon receipt of financial assistance, that they were beholden to adhere to
15 certain federal rules and regulations as a stipulation of receiving federal money.

16 **27.** LAS VEGAS COLLEGE received federal grant and loan monies on behalf of Genay
17 Amerson that covered 2 years of her education for the 2-year Nursing program; but
18 PLAINTIFF only received 1 year of Nursing program education. See Exhibit L.
19

20 **C. DELIBERATE INDIFFERENCE OF DISCRIMINATION.**

21 **28.** Amanda Bognar separated from LAS VEGAS COLLEGE before the end of quarter III.
22 By the PLAINTIFF returned to quarter IV, “Leadership”²¹ had found new ways to target,
23 harass, and nationally discriminate against PLAINTIFF. The problem was since
24 “Leadership” was not actively working against the interests of PLAINTIFF, nobody, not
25
26
27

28 ²⁰ Title IX of the Educational Amendments Act of 1972.

²¹ Monicker given to Susan Holm, Nursing Director of LAS VEGAS COLLEGE Nursing program.

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1 even David Dolbow, assigned to oversee all of PLAINTIFF disability-discrimination
2 complaints, would respond to PLAINTIFF pleas.

3 **29.** When PLAINTIFF returned to a whole new level of intentional discrimination and
4 harassment, she emailed, left messages, requested to see David Dolbow at the front desk, all
5 without response, until the end of June 2022, when he informed PLAINTIFF that Sal
6 Younis, Vice President of MIKHAIL EDUCATION CORPORATION would be taking
7 oversight of her disability-discrimination complaints under Title IX²². See Exhibit M.
8

9 **30.** At all times relevant, Susan Holm reported to David Dolbow and PETER MIKHAIL.
10 David Dolbow reported to Sal Younis, Vice President of MIKHAIL EDUCATION
11 CORPORATION, and PETER MIKHAIL. Sal Younis reported to PETER MIKHAIL.
12

13 **D. CREATION OF HOSTILE EDUCATIONAL ENVIRONMENT.**

14 **31.** Beginning in quarter IV, all classes were stacked into one long 12-hour day instead of
15 being spread out across the week, which was standard for the program, and creating a
16 contentious educational environment within her cohort.

17 **32.** PLAINTIFF is targeted and harassed in her ADULT I lecture by Brandon Murphy who
18 regularly brings up discussions about cannabis usage in nursing and mentions DOJ and how
19 for example if the complaint is transferred to HHS, it would not negatively impact the
20 college.
21

22 **33.** During PLAINTIFF Sociology course with instructor Terry Kelly-Lamb, she is
23 constantly alluding to PLAINTIFF and what is coined as her “bad behavior” during online
24 lectures for this course and it was made emphatically clear she was not welcome.
25
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28 ²² See Exhibit M.

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1 34. PLAINTIFF discussed harassment and intentional discrimination against her with
2 Micheal Intinarelli, her General and Developmental Psychology instructor.

3 35. PLAINTIFF Pharmacology II instructor informed her “Leadership” was trying to frame
4 for her for cheating, in an effort to remove her from the program.

5 36. During Lab and SIMULATION lab, her cohort members called her out her name and
6 denigrated her use of cannabis and isolated her within the program. One cohort member and
7 student thought it was hilarious to say she had been drinking and taking relaxants during a
8 lunch and how she could come back to school without problem. Another student fabricated
9 a story about seeing PLAINTIFF vaping in the school bathroom, and PLAINTIFF never used
10 the school restrooms again for fear she would be framed by the administration.

11 37. Term: 20220418-12W on PLAINTIFF official LAS VEGAS COLLEGE transcript²³
12 shows her ENC 1102 Composition II grade as a C. PLAINTIFF was granted until the end of
13 the quarter to turn in all assignments, given the hostile educational environment, but her
14 portal access to the school portal was terminated prior to the end of the quarter to impede her
15 from completing her assignments and increasing her grade point average, and was
16 intentionally discriminatory against PLAINTIFF.

17 38. Term: 20220418-12W on PLAINTIFF official LAS VEGAS COLLEGE transcript
18 shows her Adult I grade also as a C²⁴. PLAINTIFF 5 assignments not counted towards her
19 final Adult I grade, was internally discriminatory against PLAINTIFF.

20 **E. RETALIATION AGAINST DISABLED: WRONGFUL TERMINATION OF**
21 **PLAINTIFF FROM LVC NURSING PROGRAM solely for having a positive drug test**
22 **result on April 20, 2022.**

23 ²³ See Exhibit C.

24 ²⁴ See Exhibit C.

1 **39.** On August 3, 2022, DEFENDANTS, in violation of their own SUBSTANCE ABUSE
2 POLICY AND PROCEDURES²⁵, decided it was easier for them **WRONGFULLY**
3 TERMINATE PLAINTIFF²⁶, and sweep her complaints away by dismissing them under
4 Title IX, instead of doing what was legally and morally right, and stopping the targeting,
5 harassment and intentional disability-discrimination against her.

6 **40.** PLAINTIFF per policy and procedures disclosed her medical cannabis use to LAS
7 VEGAS COLLEGE Nursing Director, Susan Holm²⁷, on February 14, 2022,

8 **41.** On April 20, 2022, PLAINTIFF was told by Susan Holm, she tested positive for
9 marajuana, and in order to continue in the Nursing program she had to submit her
10 prescriptions for medical marajuana, see Exhibit N, and as a result received an
11 Administrative Override, see Exhibit O, to continue in the Nursing program.

12 **42.** In response PLAINTIFF was granted an administrative override in American Database²⁸,
13 allowing her to resume her courses and attend her upcoming clinical rotation, as per policy
14 and procedure outlined in SUBSTANCE ABUSE POLICY AND PROCEDURES²⁹.
15

16
17 **F. RETALIATION AGAINST DISABLED: FALSIFICATION OF PLAINTIFF GRADES**
18 **AND OFFICIAL TRANSCRIPT.**

19 **43.** Term 20220718-12W DEP 2000 Developmental Psychology grade and NUR 2212/ NUR
20 2213L# grade³⁰ have been falsified and shows PLAINTIFF failed both courses on her official
21 transcript, when in fact, she was wrongfully removed from quarter V, the third week of the
22 quarter, and after she was in attendance for only 2 weeks. PLAINTIFF began quarter V late,
23

24
25
26 ²⁵ See Exhibit A.

27 ²⁶ See Exhibit E.

28 ²⁷ See Exhibit C.

29 ²⁸ See Exhibit O.

30 ²⁹ See Exhibit B.

³⁰ See Exhibit C

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as she was appealing her Adult I grade into the first week of the quarter. The educational policy would have been to indicate a **W** for Withdrawn, which is in fact what happened, when DEFENDANTS unlawfully withdrew PLAINTIFF from the Nursing program.

44. Term: 20220418-12W NUR 1150 and NUR 1210/ NUR 1211L#³¹ falsely indicates PLAINTIFF retook all aforementioned courses before passing Pharmacology II and Nursing Care of Adult Client I lecture and lab by placing a ** next to those courses on her official transcript and is patently false. PLAINTIFF only attended the Nursing program for 1 year, and during that time she maintained the program schedule, see Exhibit P, and never repeated or failed a course during her tenure as a student in the Nursing program.

VII. CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

(Failure to Reasonably Accommodate DISABLED – 504 of the Rehabilitation Act of 1973)

45. PLAINTIFF incorporates and re-alleges by this reference each of the paragraphs set forth above as though fully set forth herein.

46. At all relevant times, PLAINTIFF was a qualified individual with disabilities, who met the criteria under 504 of the Rehabilitation Act of 1973, as she was and still is recognized as disabled, was accepted without accommodation into the nursing program based on merit and suffered adverse action because she was disabled.

47. At all relevant times, LAS VEGAS COLLEGE was an institution receiving federal financial assistance.

48. DEFENDANTS **failed** to reasonably accommodate PLAINTIFF, a disabled student, who was otherwise qualified to be a nursing student, and who did not receive her reasonable

³¹ See Exhibit C.

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accommodations of reading materials and course syllabi a week before each quarter started, for 10 months, as set forth in their contractual agreement³² and was in violation of 504 of the Rehabilitation Act of 1973, and as a direct result of DEFENDANTS violation of 504 of the Rehabilitation Act, PLAINTIFF suffered serious harm, pain, and permanent injury, for which PLAINTIFF will be seeking damages in this case.

SECOND CLAIM FOR RELIEF

(Intentional Discrimination Against Disabled – TITLE VI of the Civil Rights Act of 1964 and 504 of the Rehabilitation Act of 1973)

49. PLAINTIFF incorporates and re-alleges by this reference each of the paragraphs set forth above as though fully set forth herein.

50. At all times relevant, PLAINTIFF was a qualified individual with disabilities, who met the criteria for discriminated against disabled under Title VI of the Civil Rights Act of 1964 and 504 of the Rehabilitation Act of 1973.

51. At all relevant times, LAS VEGAS COLLEGE was an institution receiving federal financial assistance.

52. DEFENDANTS had knowledge of disability discrimination occurring, participated in discriminating against PLAINTIFF, and deliberately ignored her pleas for them to intervene to stop discrimination from happening against her.

53. DEFENDANTS intentional discrimination against PLAINTIFF for asserting her rights to not be discriminated against during the programmed instruction of the Nursing program, were severe, pervasive, and objectively offensive. DEFENDANTS recruited instructors to harass her during lectures, labs, and clinical rotations, and intentionally and unlawfully dismissed her disability discrimination complaints as not falling under Title IX.

³² See Exhibit A.

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1 DEFENDANTS unlawful actions were in violation of Title VI of the Civil Rights Act of
2 1964/2000³³ and 504 of the Rehabilitation Act; and as a direct result of DEFENDANTS
3 violation of Title VI and 504, PLAINTIFF suffered serious harm, pain, and permanent injury,
4 for which PLAINTIFF will be seeking damages in this case.

5
6 **THIRD CLAIM FOR RELIEF**

(Deliberate Indifference of Discrimination – TITLE VI of the Civil Rights Act of 1964)

7
8 **54.** PLAINTIFF incorporates and re-alleges by this reference each of the paragraphs set forth
9 above as though fully set forth herein.

10 **55.** At all times relevant, PLAINTIFF was a qualified individual with disabilities, who met
11 the criteria for being discrimination against disabled under Title VI of the Civil Rights Act
12 of 1964.

13 **56.** At all relevant times, LAS VEGAS COLLEGE was an institution receiving federal
14 financial assistance.

15 **57.** DEFENDANTS ignored PLAINTIFF pleas and were deliberately indifferent to her
16 disability discrimination complaints after the loss of Amanda Bognar, and let 90 days pass
17 before responding to PLAINTIFF, by inserting Sal Younis, Vice President of MIKHAIL
18 EDUCATION CORPORATION at the end of June 2022 to take over for David Dolbow,
19 Director of LAS VEGAS COLLEGE assigned oversight in March 2022.

20 **58.** DEFENDANTS were deliberately indifferent to PLAINTIFF please and disability
21 discrimination complaints after the loss of Amanda Bognar and PLAINTIFF DOJ complaint
22 , that contributed to a hostile educational environment she was forced to learn in and
23 DEFENDANTS insertion of Sal Younis did not bring any relief to the situation, on the
24 contrary, DEFENDANTS became more embolden to discriminate against PLAINTIFF was
25
26
27

28 ³³ Title VI amended to include disabled by Executive Order 13160 in 2000.

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in violation of Title VI of the Civil Rights Act of 1964/2000³⁴; and as foreseeable and direct result of DEFENDANTS violation of Title VI, PLAINTIFF suffered serious harm, pain, and permanent injury, for which PLAINTIFF will be seeking damages in this case.

FOURTH CLAIM FOR RELIEF

(Creation of Hostile Educational Environment– TITLE VI of the Civil Rights Act of 1964, IIED)

59. PLAINTIFF incorporates and re-alleges by this reference each of the paragraphs set forth above as though fully set forth herein.

60. At all times relevant, PLAINTIFF was a qualified individual with disabilities, who met the criteria for being discrimination against disabled under Title VI of the Civil Rights Act of 1964.

61. At all relevant times, LAS VEGAS COLLEGE was an institution receiving federal financial assistance.

62. PLAINTIFF asserts DEFENDANTS unlawful actions meet criteria under of Title VI of the Civil Rights Act of 1964 and IIED, when DEFENDANTS created a Hostile Educational Environment PLAINTIFF was forced to learn in.

63. DEFENDANTS deliberate indifference and intentional discrimination directly led to the creation of a hostile educational environment that caused PLAINTIFF deprivation of educational and professional opportunities and benefits, was severe, pervasive, and objectively offensive; did Intentionally Inflict Emotional Distress upon PLAINTIFF; and as foreseeable and direct result of DEFENDANTS violation of Title VI, PLAINTIFF suffered serious harm, pain, and permanent injury, for which PLAINTIFF will be seeking punitive damages in addition to compensatory damages in this case.

FIFTH CLAIM FOR RELIEF

³⁴ Title VI amended to include disabled by Executive Order 13160 in 2000.

(Retaliation Against Disabled: Wrongful Termination of PLAINTIFF from LVC Nursing Program – TITLE VI of the Civil Rights Act of 1964 and 504 of the Rehabilitation Act of 1973, IIED, TORTIOUS Interference with a CONTRACT, and TORTIOUS Interference with PROSPECTIVE Economic Advantage)

64. PLAINTIFF incorporates and re-alleges by this reference each of the paragraphs set forth above as though fully set forth herein.

65. PLAINTIFF asserts she had a student contract with LAS VEGAS COLLEGE that was wrongfully terminated and met the criteria for retaliation under Title VI of the Civil Rights Act of 1964/2000³⁵, IIED, TORTIOUS INTERFERENCE with a Contract and PROSPECTIVE ECONOMIC ADVANTAGE of PLAINTIFF.

66. PLAINTIFF asserts MIKHAIL EDUCATION CORPORATION TORTIOUSLY Interfered with with PLAINTIFF student contract for the benefit of LAS VEGAS COLLEGE and themselves.

67. DEFENDANTS conspired to remove PLAINTIFF from the nursing program after intentionally discriminating against her because of her disabilities in retaliation for PLAINTIFF asserting her legal right to report disability discrimination against them, and to the DOJ, and DEFENDANTS retaliation of PLAINTIFF was in violation of Title VI of the Civil Rights Act and 504 of the Rehabilitation Act, did intentionally inflict emotional distress upon PLAINTIFF and did constitute TORTIOUS Interference of her student contract and prospective economic advantage as a licensed and Registered Nurse in Nevada when DEFENDANTS wrongfully terminated PLAINTIFF in retaliation for her asserting her legal rights to not be discriminated against because of her disabilities; and Intentionally Inflicted Emotional Distress upon PLAINTIFF; as a foreseeable and direct result of DEFENDANTS flagrant violation of aforementioned laws, PLAINTIFF suffered serious harm, pain, and

³⁵ Title VI amended to include disabled by Executive Order 13160 in 2000.

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permanent injury, for which PLAINTIFF will be seeking punitive damages in addition to compensatory damages in this case.

SIXTH CLAIM FOR RELIEF

(Retaliation Against Disabled: Falsification of PLAINTIFF Grades and Official Transcript – TITLE VI of the Civil Rights Act of 1964, 504 of the Rehabilitation Act of 1973, and IIED)

68. PLAINTIFF incorporates and re-alleges by this reference each of the paragraphs set forth above as though fully set forth herein.

69. AT all relevant times, PLAINTIFF asserts she was a student in GOOD STANDING.

70. PLAINTIFF asserts DEFENDANTS tampered with her LAS VEGAS COLLEGE official transcript and quarter V grades in retaliation for PLAINTIFF filing disability discrimination complaints, a disability discrimination complaint with the DOJ against LAS VEGAS COLLEGE, and for the loss of Amanda Bognar. DEFENDANTS unlawful actions were in violation of Title VI of the Civil Rights Act of 1964/2000³⁶, 504 of the Rehabilitation Act of 1973, and Intentionally Inflicted Emotional Distress upon PLAINTIFF; and as a foreseeable and direct result of DEFENDANTS flagrant violation of aforementioned laws, PLAINTIFF suffered serious harm, pain, and permanent injury, for which PLAINTIFF will be seeking punitive damages in addition to compensatory damages in this case.

VIII. PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF prays for **judgment** and **award** against DEFENDANTS, LAS VEGAS COLLEGE, MIKHAIL EDUCATION CORPORATION, and PETER MIKHAIL, and DOES 1 through 10, and each of them, all according to proof, as follows for:

A. FAILURE TO REASONABLY ACCOMMODATE DISABLED;

B. INTENTIONAL DISCRIMINATION AGAINST DISABLED;

³⁶ Title VI amended to include disabled by Executive Order 13160 in 2000.

1 **C. DELIBERATE INDIFFERENCE OF DISCRIMINATION;**

2 **D. CREATION OF HOSTILE EDUCATIONAL ENVIRONMENT;**

3 **E. RETALIATION AGAINST DISABLED: WRONGFUL TERMINATION OF**
4 **PLAINTIFF FROM LVC NURSING PROGRAM;**

5 **F. RETALIATION AGAINST DISABLED: FALSIFICATION OF PLAINTIFF GRADES**
6 **AND OFFICIAL TRANSCRIPT;**

7 **G. All costs of suit under Code of Civil Procedure NRS 18.020.**

8 **H. General damages** in excess of \$75,000 and for cost of attendance, cost of school supplies,
9 loss of education, loss of degree, loss of earnings, loss of earnings capacity, costs of
10 transportation, vehicle loss and cost to repurchase a new vehicle, mental anguish,
11 intentional infliction of emotional distress, and personal injury;
12

13 **I. Reinstatement** at no cost to PLAINTIFF;

14 **J. Prejudgment interest;**

15 **K. Any and all Statutory remedies;**

16 **L. Reliance and Expectation damages;**

17 **M. Punitive and exemplary damages** as allowed under Nev. Civil Code NRS 42.005;

18 **N. Injunctive relief;**

19 **O. Declaratory relief;**

20 **P. For such other and further relief as the Court shall deem just and proper.**

21 Dated this 21st day of January, 2025.

22
23
24 /s/ Genay L. Amerson
25 Genay L. Amerson
26 1412 Dragonfly Ranch Lane
27 North Las Vegas, NV 89081
28 Phone: (213) 359-9278
Email: dnplessings@icloud.com
Plaintiff in Pro Per

Signature of this document certifies that a copy was served to the persons named below on the date and in the manner indicated:

<u>Person Served</u>	<u>Party</u>	<u>Date</u>	<u>Method</u>
Karl A. Schweikert Nevada Bar No. 13756, California Bar No. 291497 KDH Law 2101 Stone Blvd., Suite 115 West Sacramento, CA 95691 916.993.5226 Karl@KDHendrickson.com LR IA 11-1(b)(2)	Las Vegas College, Mikhail Education Corporation, and Peter Mikhail President of Mikhail Education Corporation	1/21/2025	Electronic
Attorney Cody S. Munteer, Esq. Marquis Aurbach 10001 River Run Drive Las Vegas, NV 89145			

From: cmecf@nvd.uscourts.gov
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United States District Court

District of Nevada

Notice of Electronic Filing

The following transaction was entered on 9/9/2025 at 2:48 PM PDT and filed on 9/9/2025

Case Name: Amerson v. Las Vegas College, et al

Case Number: 2:24-cv-01589-RFB-EJY

Filer:

Document Number: 159(No document attached)

Docket Text:

MINUTE ORDER IN CHAMBERS of the Honorable Judge Richard F. Boulware, II on 9/9/2025.

The Court is aware of attempted contact by Plaintiff to its Courtroom Administrator regarding a request for recusal. It is inappropriate for parties to attempt to engage in ex-parte communication with any of the chambers staff. Should the Plaintiff have any specific concern, this concern should be addressed in a Motion filed in the appropriate action, and cannot be addressed by any other means of communication. If Plaintiff seeks to contact chambers again in violation of this order, the Court will impose sanctions. These sanctions can include monetary sanctions, case-dispositive sanctions or referral for contempt proceedings for violating the Court's Order here. Plaintiff may only communicate to the Court through her courtroom filings.

(no image attached) (Copies have been distributed pursuant to the NEF - DRS)

2:24-cv-01589-RFB-EJY Notice has been electronically mailed to:

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Summer Allegra Johnson summer.johnson@usdoj.gov, CaseView.ECF@usdoj.gov,
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maria.covarrubias@usdoj.gov, michael.garth@usdoj.gov

1
2
3
4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**

6 * * *

7 GENAY L. AMERSON,

8 Plaintiff,

9 v.

10 LAS VEGAS COLLEGE, *et al.*,

11 Defendants.
12

Case No. 2:24-cv-01589-RFB-EJY

ORDER

13 Before the Court are several pending motions, including: the Report and Recommendation
14 of the Honorable Elayna J. Youchah (ECF No. 31), United States Magistrate Judge, addressing
15 Plaintiff's Motion for Leave to File (ECF No. 27); Defendants' Motion to Dismiss (ECF No. 45);
16 Plaintiff's Motion for Summary Judgment (ECF No. 53); and Plaintiff's Motion for Preliminary
17 Injunction (ECF No. 84). For the following reasons, the Court accepts and adopts the Report and
18 Recommendation in part, grants the Motion for Leave to File in part, and grants Defendants'
19 Motion to Dismiss in part. The Court denies the Motion for Summary Judgment and Motion for
20 Preliminary Injunction.
21

22 **I. PROCEDURAL HISTORY**

23 This action arises from alleged discriminatory and retaliatory conduct experienced by *pro*
24 *se* Plaintiff Genay L. Amerson while she was a nursing student at Las Vegas College from
25 February to August of 2022. Ms. Amerson originally filed her complaint against the Defendants
26 in state court. See ECF No. 1. On August 27, 2024, Defendants Nevada Career Education, Inc. dba
27 Las Vegas College ("LVC"), Mikhail Education Corporation ("MEC"), and Peter Mikhail
28 removed the matter to federal court, attaching Plaintiff's complaint. See id. Defendants answered

the Complaint on September 9, 2024. See ECF No. 9. On November 25, 2024, Plaintiff filed a motion for leave to amend and attached a proposed First Amended Complaint (“proposed FAC”). See ECF Nos. 27, 27-2. In the proposed FAC, Plaintiff states nine causes of action and added two individual defendants: David Dalbow and Sal Younis. See ECF No. 27-2. On December 9, 2024, Defendants responded to the Motion for Leave. See ECF No. 28. In their response, Defendants recognize Plaintiff’s general right to amend but urge the Court to address portions of the proposed FAC which are futile as a matter of law. See id. On December 20, 2024, Magistrate Judge Youchah granted leave to amend in part “such that Plaintiff’s causes of action under Title III of the ADA and Section 504 of the Rehabilitation Act may proceed” against LVC and MEC. See ECF No. 31. Judge Youchah dismissed the rest of the claims in the proposed FAC with leave to amend, or recommended dismissal with prejudice. See id. Plaintiff timely objected on January 3, 2025. See ECF No. 32. On January 15, 2025, Defendant responded to Plaintiff’s objection. See ECF No. 36. On January 21, Plaintiff filed a second amended complaint. See ECF No. 37.

On January 6, 2025, Plaintiff filed a motion to compel, see ECF No. 33, which was denied. See ECF No. 34. On January 9, Plaintiff filed another motion to compel. See ECF No. 35. On February 11, Plaintiff filed a proposed discovery plan. See ECF No. 39. Judge Youchah granted the discovery plan in part. See ECF No. 41. In a status conference on February 18, Judge Youchah denied Plaintiff’s second motion to compel as moot. See ECF No. 44.

On February 18, 2025, Defendants filed a motion to dismiss. See ECF No. 45. On February 23, Plaintiff filed a third motion to compel, see ECF No. 48, which was denied. See ECF No. 49. On March 5, Plaintiff filed a response to the Motion to Dismiss. See ECF No. 50. Defendant filed a reply on March 7. See ECF No. 52. Plaintiff filed a motion for summary judgment on March 16. See ECF No. 53. Defendants responded on April 7. See ECF Nos. 63. Defendants filed a motion for sanctions on April 10. See ECF No. 64. Plaintiff filed a motion for preliminary injunction on April 15. See ECF No. 65. Plaintiff responded to the Motion for Sanctions on April 23. See ECF No. 77. Defendants filed a motion to compel on April 29. See ECF No. 79. Defendants also responded to the Motion for Preliminary Injunction, see ECF No. 80, and replied to the Motion for Sanctions. See ECF No. 81. In a Minute Order on May 6, the Court denied the Motion for

1 Preliminary Injunction. See ECF No. 82. On May 7, Plaintiff filed another Motion for Preliminary
2 Injunction. See ECF No. 84. On May 19, Defendants filed a second motion for sanctions. See ECF
3 No. 90. On June 18, Defendants filed two Motions to Compel. See ECF Nos. 105, 106. On June
4 23, Judge Youchah granted in part and denied in part Defendants' first Motion to Compel. See
5 ECF No. 108. On June 26, Plaintiff filed an objection. See ECF No. 109. On June 27, Judge
6 Youchah denied Defendants' two Motions for Sanctions. See ECF No. 110.

7 The Court's Order follows.

8 9 **II. FACTUAL ALLEGATIONS**

10 The following facts are taken from the Amended Complaint. Plaintiff alleges that she was
11 forced to learn in a hostile educational environment while she was a nursing student at Las Vegas
12 College, that Defendants intentionally discriminated and retaliated against her, failed to honor their
13 contractual agreements to reasonably accommodate her, and wrongfully terminated her from the
14 nursing program as retaliation.

15 More specifically, Plaintiff alleges that on September 22, 2021, Plaintiff and Las Vegas
16 College signed a reasonable accommodation agreement wherein Plaintiff would receive reading
17 materials and a course syllabus a week before each quarter was set to begin. Plaintiff did not
18 receive these materials a week before Quarter I, Quarter II, Quarter III, Quarter IV, and Quarter
19 V. Plaintiff attended nursing school for ten months without receiving her accommodations.

20 Plaintiff filed a disability discrimination complaint on February 13, 2022, against Susan
21 Holm, the Director of Las Vegas College's Nursing Program. She states that students were
22 interfering with her ability to participate in her education. Holm suggested she rescind her
23 complaint and suggested that Plaintiff find a way to hide her disabilities. On February 14, Plaintiff
24 responded that she could not control her "disability ticks."

25 On February 14, 2022, an instructor, Amanda Bognar, referred to Plaintiff as a "bad apple"
26 during a lecture. On February 24, Bognar downgraded Plaintiff's midterm grade. On March 1,
27 2022, she locked Plaintiff out of her simulation lab. On March 2, David Bolbow, the Director of
28 Las Vegas College, instructed Bognar to cease harassing Plaintiff. On March 3, Bognar threatened

1 to remove Plaintiff from the program. On March 3, Plaintiff reported this threat to Dolbow. On
 2 March 22, Bognar and Chance Ewing, the content administrator responsible for providing Plaintiff
 3 with the materials and course syllabi, ambushed Plaintiff in Ewing's office. Ewing filed an
 4 erroneous Code of Conduct complaint against Plaintiff. Brandon Murphy, an instructor, attempted
 5 to fail Plaintiff in retaliation for her filing a disability discrimination complaint against the
 6 administration. In July, Plaintiff filed a formal appeal to challenge the F grade Murphy gave her.
 7 The Appeals Committee raised her grade to a C but failed to award Plaintiff credit for five
 8 assignments. Additionally, all of Plaintiff's classes were stacked into one 12-hour day instead of
 9 being spread out throughout the week. Another instructor, Terry Kelly-Lamb, also referred to
 10 Plaintiff's bad behavior in an online course. Plaintiff's access to the school portal was terminated
 11 prior to the end of the quarter, impeding Plaintiff from completing her assignments.

12 On August 3, 2022, Las Vegas College terminated her from the Nursing Program for
 13 having a positive drug test result on April 20. Plaintiff had disclosed her medical cannabis use to
 14 Holm on February 14. On April 20, Plaintiff was told by Holm that she tested positive for
 15 marijuana and in order to continue in the nursing program she had to submit her prescriptions for
 16 medical marijuana. Plaintiff was granted an administrative override per the college's substance
 17 abuse policy and procedures. The college also falsified grades on Plaintiff's official transcript.

18 19 **III. LEGAL STANDARDS**

20 **A. Leave to Amend**

21 Federal Rule of Civil Procedure 15(a)(2) instructs that "[t]he court should freely give leave
 22 [to amend a pleading] when justice so requires," and there is a strong public policy in favor of
 23 permitting amendment. See Bowles v. Reade, 198 F.3d 752, 757 (9th Cir. 1999). The Ninth Circuit
 24 has made clear that Rule 15(a) is to be applied with "extreme liberality." Eminence Cap., LLC v.
 25 Aspeon, Inc., 316 F.3d 1048, 1051 (9th Cir. 2003) (per curiam). Under Rule 15(a), courts consider
 26 various factors, including: (1) bad faith; (2) undue delay; (3) prejudice to the opposing party; (4)
 27 the futility of amendment; and (5) whether the plaintiff has previously amended their complaint.
 28 See id. at 1052. The factors do not weigh equally; as the Ninth Circuit has explained, prejudice

1 receives the greatest weight. See id. Defendants bear the burden of establishing prejudice, and
 2 absent its presence or a “strong showing” under the other factors, there is a presumption in favor
 3 of permitting amendment. See id. (citing DCD Programs, Ltd. v. Leighton, 833 F.2d 183, 186–87
 4 (9th Cir. 1987)).

5 **B. Report and Recommendation**

6 A district court “may accept, reject, or modify, in whole or in part, the findings or
 7 recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). A party may file specific
 8 written objections to the findings and recommendations of a magistrate judge. See id. § 636(b)(1);
 9 Local Rule IB 3-2(a). When written objections have been filed, the district court is required to
 10 “make a *de novo* determination of those portions of the report or specified proposed findings or
 11 recommendations to which objection is made.” Id.; see also Local Rule IB 3-2(b). Where a party
 12 fails to object, however, a district court is not required to conduct “any review,” *de novo* or
 13 otherwise, of the report and recommendations of a magistrate judge. See Thomas v. Arn, 474 U.S.
 14 140, 149 (1985). Plaintiff timely objected to the instant Report and Recommendation on January
 15 3, 2025. As such, the Court conducts a *de novo* review.

16 **C. Motion to Dismiss**

17 An initial pleading must contain “a short and plain statement of the claim showing that the
 18 pleader is entitled to relief.” FED. R. CIV. P. 8(a). The court may dismiss a complaint for “failure
 19 to state a claim upon which relief can be granted.” Id. at 12(b)(6). In ruling on a motion to dismiss,
 20 “[a]ll well-pleaded allegations of material fact in the complaint are accepted as true and are
 21 construed in the light most favorable to the non-moving party.” Faulkner v. ADT Sec. Servs., Inc.,
 22 706 F.3d 1017, 1019 (9th Cir. 2013) (citations omitted).

23 To survive a motion to dismiss, a complaint need not contain “detailed factual allegations,”
 24 but it must do more than assert “labels and conclusions” or “a formulaic recitation of the elements
 25 of a cause of action” Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (quoting Bell Atl. Corp. v.
 26 Twombly, 550 U.S. 544, 555 (2007)). In other words, a claim will not be dismissed if it contains
 27 “sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face,”
 28 meaning that the court can reasonably infer “that the defendant is liable for the misconduct

alleged.” Id. at 678 (citation and internal quotation marks omitted). The Ninth Circuit, in elaborating on the pleading standard described in Twombly and Iqbal, has held that for a complaint to survive dismissal, the plaintiff must allege non-conclusory facts that, together with reasonable inferences from those facts, are “plausibly suggestive of a claim entitling the plaintiff to relief.” Moss v. U.S. Secret Serv., 572 F.3d 962, 969 (9th Cir. 2009).

IV. DISCUSSION

Plaintiff filed a motion for leave to amend her complaint. See ECF No. 27. Judge Youchah issued a Report and Recommendation denying some of her claims. See ECF No. 31. Plaintiff objected. See ECF No. 32. She then filed an amended complaint. See ECF No. 37. Defendants filed a motion to dismiss the SAC. See ECF No. 45. Plaintiff later filed a motion for summary judgment and a motion for a preliminary injunction. See ECF Nos. 53, 84. The Court will first consider the Motion for Leave, and the Report and Recommendation, before turning to the Motion to Dismiss. The Court will then consider Plaintiff’s Motions for Summary Judgment and Preliminary Injunction.

A. Leave to Amend and Report and Recommendation

In Plaintiff’s complaint, she brought the following causes of action: (1) Violation of U.S.C. Section 1211, et seq., and NRS 613.310 – Failure to Accommodate; (2) Retaliation; (3) Discrimination against a Disabled Person; (4) American with Disabilities Act 1990; and (5) 42 SCA 12101 ADA Section Findings and Purpose. In her motion for leave to file an amended complaint, Plaintiff sought to replace her first claim with a claim pursuant to ADA 42 USC 12182 and ADA Title III. She sought to replace her second claim for retaliation with a claim under Section 504 of the Rehabilitation Act. She sought to change her third claim from discrimination to a claim under the Fifth and Fourteenth Amendments. She sought to change her fourth claim from an ADA claim to “document fraud.” She sought to change her fifth claim from another ADA claim to “conspiracy and retaliation against Plaintiff.” Finally, she sought to add further claims: (6) Intentional Infliction of Emotional Distress, and (7) Breach of Contract. In th Report and Recommendation on the Motion for Leave to Amend, Magistrate Judge Youchah considered each

1 claim.

2 **i. Plaintiff's first cause of action – ADA claims.**

3 First, Judge Youchah recommended that Plaintiff's claims under Title II of the ADA be
4 dismissed with prejudice. Judge Youchah granted Plaintiff's motion for leave to amend her
5 complaint as to her claim under Title III of the ADA against Defendants Las Vegas College and
6 Mikhail Education Corporation. Judge Youchah denied her Title III claim against the Individual
7 Defendants without prejudice.

8 Though Plaintiff raises it in her introduction, rather than the section titled "objections,"
9 Plaintiff contests the dismissal of her claim under Title II of the ADA. Title II of the ADA states:
10 "No qualified individual with a disability shall, by reason of such disability, be excluded from
11 participation in or be denied benefits of the services, programs, or activities of a public entity, or
12 be subjected to discrimination by any such entity." 42 U.S.C. § 12132. An ADA violation is
13 established where a plaintiff proves that: "(1) [s]he is a 'qualified individual with a disability;' (2)
14 [s]he was either excluded from participation in or denied the benefits of a public entity's services,
15 programs, or activities, or was otherwise discriminated against by the public entity; and (3) such
16 exclusion, denial of benefits, or discrimination was by reason of h[er] disability." Duvall v. Cnty.
17 of Kitsap, 260 F.3d 1124, 1135 (9th Cir. 2001) (citing Weinreich v. L.A. Cnty. Metro. Transp.
18 Auth., 114 F.3d 976, 978 (9th Cir. 1997)).

19 The Court finds that Plaintiff fails to state a claim under Title II of the ADA against Las
20 Vegas College, Mikhail Education Corporation, and the Individual Defendants because none are
21 public entities. Title II provides for liability only against public entities, which it defines as: "(A)
22 any State or local government; (B) any department, agency, special purpose district, or other
23 instrumentality of a State or States or local government; and (C) the National Railroad Passenger
24 Corporation, and any commuter authority" 42 U.S.C. § 12131. The Defendants in this action
25 do not fall within this definition. Therefore, this claim is dismissed with prejudice.

26 Plaintiff did not object to the dismissal of her Title III claim against the Individual
27 Defendants and the Court adopts the Report and Recommendation's findings as to this claim.
28

1 **ii. Plaintiff's second cause of action - Rehabilitation Act § 504.**

2 Next, Judge Youchah recommended dismissal of Plaintiff's claims against the Individual
3 Defendants under Section 504 of the Rehabilitation Act.

4 Plaintiff objects to the dismissal her failure-to-reasonably-accommodate claim under
5 Section 504 of the Rehabilitation Act. Plaintiff appears to be under the assumption that the Report
6 and Recommendation dismissed with prejudice her entire Rehabilitation Act claim. However, it
7 only dismissed the claim as alleged against the Individual Defendants. The Court agrees with Judge
8 Youchah: Section 504 of the Rehabilitation Act does not provide for individual liability. See
9 Becker v. Or., 170 F.Supp.2d 1061, 1067 (D. Or. 2001) (compiling reported cases which have held
10 that "because individuals do not receive financial assistance for purposes of the Rehabilitation Act,
11 there is no individual liability").

12 Plaintiff does not object to the dismissal of a claim under Section 508 of the Rehabilitation
13 Act, and the Court adopts the Report and Recommendation's dismissal of this claim with
14 prejudice.

15 **iii. Plaintiff's third, fourth, and sixth causes of action – Fifth and Fourteenth**
16 **Amendments, document fraud, and intentional infliction of emotional distress.**

17 Next, Judge Youchah recommended dismissal of Plaintiff's Fifth Amendment and
18 document fraud claims with prejudice, and she recommended dismissal of Plaintiff's Fourteenth
19 Amendment and intentional infliction of emotional distress ("IIED") claims without prejudice.
20 Plaintiff did not object to the dismissal of these claims. The Court has reviewed Judge Youchah's
21 reasoning along with the corresponding allegations. The Court does not find any of the Report's
22 factual determinations to be in "clear error," nor any legal conclusion to be "contrary to law." Perry
23 v. Schwarzenegger, 268 F.R.D. 344, 348 (N.D. Cal. 2010). Therefore, the Court adopts the Report
24 and Recommendation's finding as to these claims.

25 **iv. Plaintiff's fifth cause of action – conspiracy and retaliation.**

26 Plaintiff objects to the dismissal with prejudice of her retaliation claim under 42 U.S.C.
27 § 12203(a). The Report and Recommendation found that ADA retaliation claims only apply in an
28 employment setting. The Court disagrees.

1 The ADA prohibits discrimination against individuals with disabilities. See 42 U.S.C.
 2 §§ 12101, *et seq.* Title I of the ADA prohibits discrimination in employment. See 42 U.S.C.
 3 §§ 12111, *et seq.* Title II prohibits discrimination in the provision of services and programs by a
 4 public entity, and the provision of transportation to the general public. See 42 U.S.C. §§ 12131, *et*
 5 *seq.* Title III prohibits discrimination in public accommodations. See 42 U.S.C. §§ 12181, *et seq.*
 6 Section 12203, under Title V of the ADA, prohibits retaliation against individuals who oppose
 7 unlawful acts under the ADA. See Louie v. Carichoff, No. S-05-0984 DFL DAD PS, 2006 WL
 8 662742, at 2 (E.D. Cal. Mar. 16, 2006). Specifically, the ADA states that “[n]o person shall
 9 discriminate against any individual because such individual has opposed any act or practice made
 10 unlawful by this chapter[.]” 42 U.S.C. § 12203(a).

11 Where § 12203(a) broadly prohibits retaliation by a “person,” “[§] 12203(c) outlines the
 12 remedies available to an aggrieved person complaining of retaliation by referring that individual
 13 to the remedial sections of the appropriate chapter.” Stern v. Cal. State Archives, 982 F.Supp.690,
 14 693 (C.D. Cal. 1997). Plaintiff’s proposed amended complaint does not specify the section of the
 15 ADA under which she asserts this retaliation claim. It cannot be Title I, which concerns
 16 employment. Instead, the appropriate chapter, as the Report and Recommendation found, is the
 17 “public accommodation” chapter—i.e., Title III of the ADA. See 42 U.S.C. § 12203(c); see also
 18 Stern, 982 F.Supp.690 at 693 (“An aggrieved party who complains that a ‘person’ retaliated against
 19 him or her in the context of public accommodation is referred to Section 12188.”). Therefore, the
 20 Court finds that ADA retaliation claims are not restricted to an employment setting—i.e., Title I
 21 of the ADA. See T.B. v. San Diego Unified Sch. Dist., 806 F.3d 451, 473 (9th Cir. 2015)
 22 (“Although each of these cases involved retaliation relating to employment discrimination under
 23 Title I rather than discrimination in public services under Title II, the ADA’s retaliation provision
 24 applies to both titles.”). Since Plaintiff could be asserting the Title V retaliation claim based on
 25 Defendants’ violations of Title III of the ADA, the Court denies the recommendation to dismiss
 26 this claim with prejudice.

27 Accordingly, the Court turns to the sufficiency her allegations. To establish a *prima facie*
 28 case of retaliation under the ADA, a plaintiff must show that: “(1) he or she engaged in a protected

1 activity; (2) suffered an adverse . . . action; and (3) there was a causal link between the two.” Pardi
 2 v. Kaiser Permanente Hosp., 389 F.3d 840, 849 (9th Cir. 2004) (citing Brown v. City of Tucson,
 3 336 F.3d 1181, 1186–87 (9th Cir. 2003)). The Court finds that Plaintiff’s proposed amended
 4 complaint adequately states a retaliation claim against Defendants LVC and MEC.

5 Plaintiff alleges that Defendants retaliated against her by removing her from LVC’s nursing
 6 program as a result of her actions in reporting disability discrimination against them. Her
 7 allegations meet the pleading standard for the elements above. First, her filing of a disability
 8 grievance constitutes protected activity. See, e.g., McAlindin v. Cnty. of San Diego, 192 F.3d
 9 1226, 1238 (9th Cir. 1999) (holding that “vigorously asserting [one’s] rights” under the ADA and
 10 other state and federal discrimination laws constitutes protected activity). Second, LVC’s
 11 expulsion of Plaintiff reasonably constitutes an adverse action. See, e.g., Burlington N. & Santa
 12 Fe Ry. Co. v. White, 548 U.S. 53, 68 (2006) (holding that an adverse action is an act that likely
 13 would have dissuaded a person from making a complaint). Lastly, she facially establishes a causal
 14 link, given that she alleges she filed a grievance in February 2022 and was removed from the
 15 nursing program in August 2022. See Clark Cnty. Sch. Dist. v. Breeden, 532 U.S. 268, 273 (2001)
 16 (holding that “temporal proximity must be very close” to establish *prima facie* causation in a
 17 retaliation claim). Accordingly, the Court finds that Plaintiff may state an ADA retaliation claim
 18 against LVC and MEC.

19 The Court further dismisses without prejudice the Individual Defendants from this claim.
 20 As the Report and Recommendation found, Plaintiff has failed to plead sufficient facts to support
 21 a claim that the Individual Defendants “qualify as operators who made policy decisions and
 22 directed others to implement such policies” under Title III of the ADA.

23 Finally, Plaintiff does not object to dismissal of her conspiracy claim under 18 USC § 241,
 24 and the Court adopts the Report and Recommendation’s dismissal of this claim with prejudice.

25 ***v. Plaintiff’s seventh cause of action - Nevada contract claims.***

26 Finally, Plaintiff objects to the dismissal of her contractual interference claim. The Report
 27 and Recommendation dismissed LVC with prejudice and the rest of the Defendants without
 28 prejudice. First, the Court finds that LVC was correctly dismissed with prejudice, for a defendant’s

interference with their own contract with a plaintiff “is not a tort.” Bartsas Realty v. Nash, 402 P.2d 650, 651 (Nev. 1965). As to the remaining Defendants, the Court finds that Plaintiff fails to plead the requisite elements of this claim. See Sutherland v. Gross, 772 P.2d 1287, 1290 (Nev. 1989) (listing the elements of an interference with contractual relations claim). Simply put, Plaintiff has not plead facts, beyond conclusory statements, that show the Individual Defendants, along with MEC, knew that a contract existed, engaged in specific acts intended to interfere with the performance of the contract, and that the contract was disrupted as a result of the specific actions of these Defendants. The Court thus adopts the Report and Recommendation’s findings on this claim.

Plaintiff also objects to the Report and Recommendation’s findings as to her interference with a prospective economic advantage claim. She states that her claim “should be dismissed without prejudice and allowed inclusion” in her amended complaint. However, in her order, Judge Youchah already dismissed the claim without prejudice and with explicit leave to amend. Regardless, the Court affirms the Magistrate’s finding that Plaintiff’s factual allegations fail to support the first element of this claim. See Leavitt v. Leisure Sports Incorporation, 734 P.2d 1221, 1225 (Nev. 1987) (listing the elements of an interference with prospective economic advantage claim). Plaintiff has not pleaded any facts that demonstrate there was a “prospective contractual relationship between the plaintiff and a third party.” *Id.* The only contractual relationship Plaintiff alleges is her accommodation agreement with the school. The Court, in concurrence with the Report and Recommendation, therefore dismisses this claim without prejudice.

vi. Plaintiff’s requests.

Finally, in her objection, Plaintiff respectfully seeks guidance from this Court as to whether she might bring certain claims. The Court declines to provide legal assistance or advise parties. The Court does, however, provide *pro se* litigants a statement of the complaint’s deficiencies to ensure effective opportunities for amendment. See generally Eldridge v. Block, 832 F.2d 1132, 1135–36 (9th Cir. 1987). Here, the Court has identified which of Plaintiff’s claims fail as a matter of law and given Plaintiff an opportunity to amend those claims that might be sufficiently pleaded with the requisite facts.

1 In conclusion, the Report and Recommendation is adopted in part. Plaintiff's Motion to
 2 Amend is denied as to the following claims, which are dismissed with prejudice: (1) Plaintiff's
 3 claims under Title II of the ADA (42 U.S.C. § 12132); (2) Plaintiff's Section 504 Rehabilitation
 4 Act claims against all Individual Defendants; (3) Plaintiff's claim under Section 508 of the
 5 Rehabilitation Act; (4) Plaintiff's Fifth Amendment claim; (5) Plaintiff's claim for document
 6 fraud; (6) Plaintiff's conspiracy claim; and (7) Plaintiff's intentional interference with contractual
 7 relations claim as asserted against Las Vegas College. However, Plaintiff's retaliation claim under
 8 42 U.S.C. § 12203 may proceed.

9 **B. Amended Complaint and Motion to Dismiss**

10 On January 21, 2025, Plaintiff filed an amended complaint. On February 18, 2025,
 11 Defendants filed a motion to dismiss. Defendant Mikhail argues that he should be dismissed with
 12 prejudice from this case. Defendant Las Vegas College and Mikhail Education Corporation dispute
 13 several of her causes of action. The Court considers these causes of action in turn.

14 **i. First cause of action – Rehabilitation Act § 504.**

15 In her amended complaint, Plaintiff's first cause of action is for violations of Section 504
 16 of the Rehabilitation Act. To state a Section 504 Rehabilitation Act claim, Plaintiff must allege
 17 that she: (1) is an individual with a disability; (2) is otherwise qualified to receive the benefit; (3)
 18 was denied the benefits of the program solely by reason of her disability; and (4) the program
 19 receives federal financial assistance. See Duvall v. Cnty. of Kitsap, 260 F.3d 1124, 1135 (9th Cir.
 20 2001).

21 Defendants LVC and MEC state that they believe Plaintiff has sufficiently pled this cause
 22 of action. Defendant Mikhail seeks dismissal of this claim against him. As stated above, the Court
 23 has affirmed the Report and Recommendation's finding that the Section 504 claim should be
 24 dismissed as against the Individual Defendants. See supra Part IV.A.ii. The majority of federal
 25 courts have held that Rehabilitation Act liability is limited to a "program or activity" that receives
 26 federal funding. See Garcia v. S.U.N.Y. Health Scis. Ctr., 280 F.3d 98, 107 (2nd Cir. 2001); Silk
 27 v. City of Chi., 194 F.3d 788, 797 n.5 (7th Cir. 1999); Hiler v. Brown, 177 F.3d 542, 546–47 (6th
 28 Cir. 1999). Numerous district courts in this circuit have held that a defendant cannot be liable in

1 their individual capacity for a claim brought pursuant to Section 504 of the Rehabilitation Act.
 2 See, e.g., Ricks v. Matayoshi, No. CV 16-00044 HG-KSC, 2017 WL 1025170, at 9 (D. Haw. Mar.
 3 16, 2017), aff'd sub nom. Ricks v. Dep't of Educ., 752 Fed.Appx. 518 (9th Cir. 2019) (unpublished
 4 disposition); Parenteau v. Prescott Unified Sch. Dist., No. CV 07-8072-PCT-NVW, 2009 WL
 5 536668, at 6 (D. Ariz. Mar. 4, 2009). Therefore, once again, this claim is dismissed as against
 6 Defendant Mikhail.

7 Additionally, the Defendants seek to dismiss Plaintiff's request for punitive and exemplary
 8 damages. "Punitive damages are not available as a remedy for violations of Rehabilitation Act
 9 § 504." Mark H. v. Hamamoto, 620 F.3d 1090, 1097 n.7 (9th Cir. 2010). Therefore, the Court
 10 grants the motion to dismiss this claim against Defendant Mikhail and to dismiss the request for
 11 punitive damages.

12 **ii. *Second cause of action – Title VI of the Civil Rights Act.***

13 In the second cause of action of the Amended Complaint, Plaintiff alleges violations of
 14 Title VI of the Civil Rights Act. Title VI provides that "[n]o person in the United States shall, on
 15 the ground of race, color, or national origin, be excluded from participation in, be denied the
 16 benefits of, or be subjected to discrimination under any program or activity receiving Federal
 17 financial assistance." 42 U.S.C. § 2000d. For Title VI to apply to Defendants, Plaintiff must
 18 demonstrate that they are "receiving federal financial assistance." See U.S. Dep't of Transp. v.
 19 Paralyzed Veterans of Am., 477 U.S. 597, 605 (1986).

20 Defendants LVC and MEC state that they believe Plaintiff has sufficiently pled this cause
 21 of action. Defendant Mikhail seeks dismissal of this claim against him. "[I]ndividual defendants
 22 cannot be sued under Title VI[.]" Smith v. Underhill, No. 03:05CV 0176 LRH LRL, 2006 WL
 23 383519, at 2 (D. Nev. Feb. 17, 2006). Therefore, this claim is dismissed against Defendant Mikhail.
 24 All Defendants seek to dismiss her request for punitive damages for this claim. The Supreme Court
 25 has held that "punitive damages may not be awarded in private suits brought under Title VI[.]"
 26 Barnes v. Gorman, 536 U.S. 181, 189 (2002). Therefore, Plaintiff's claim for punitive damages is
 27 denied.
 28

1 **iii. Third cause of action – Title VI of the Civil Rights Act.**

2 Plaintiff alleges additional facts in support of a violation of Title VI. Defendants request
3 that the Court strike the heading “Third Claim for Relief.” Since this cause of action is duplicative
4 of her second cause of action, the Court strikes the heading denoting this section as a separate
5 claim.

6 **iv. Fourth cause of action – Title VI of the Civil Rights Act and intentional infliction**
7 **of emotional distress.**

8 In this cause of action, Plaintiff again alleges a Title VI claim and a claim for intentional
9 infliction of emotional distress. Defendants seek the dismissal of both claims with prejudice. The
10 Court finds that her claim for a Title VI violation is duplicative of her prior claims and dismisses
11 it with prejudice.

12 To state a claim for intentional infliction of emotional distress under Nevada law, a plaintiff
13 must allege “(1) extreme and outrageous conduct with either the intention of, or reckless disregard
14 for, causing emotional distress, (2) the plaintiff’s having suffered severe or extreme emotional
15 distress, and (3) actual or proximate causation.” Welder v. Univ. of S. Nev., 833 F.Supp.2d 1240,
16 1245 (D. Nev. 2011) (quoting Dillard Dep’t Stores, Inc. v. Beckwith, 989 P.2d 882, 886 (Nev.
17 1999)). “[E]xtreme and outrageous conduct is that which is outside all possible bounds of decency
18 and is regarded as utterly intolerable in a civilized community.” Maduik v. Agency Rent-A-Car,
19 953 P.2d 24, 26 (Nev. 1998) (internal quotations omitted). When considering whether a plaintiff
20 has sufficiently stated a claim upon which relief can be granted, “[t]he court determines whether
21 the defendant’s conduct may be regarded as extreme and outrageous so as to permit recovery, but,
22 where reasonable people may differ, the jury [must determine] whether the conduct was extreme
23 and outrageous enough to result in liability.” Id. at 1121.

24 In the instant case, Plaintiff’s conclusory allegations, which simply restate the elements of
25 a claim for intentional infliction of emotional distress, do not state such a claim. She “does not
26 specifically identify any behavior that was extreme or outrageous.” Connor v. Quest Diagnostics,
27 Inc., 298 Fed.Appx. 564, 566 (9th Cir. 2008). Instead, she generally details that she felt mistreated
28 by Defendants but “does not offer any facts or evidence to support these characterizations” to

1 sufficiently state a claim for IIED. See id.; cf. Branda v. Sanford, 637 P.2d 1233, 1226–27 (Nev.
 2 1981) (finding plaintiff stated a claim for intentional infliction of emotional distress where the
 3 plaintiff alleged that the defendant screamed profanities at her); McGrath v. Nev. Dep't of Pub.
 4 Safety, No. 3:07CV00292LRH-VPC, 2008 U.S. Dist. LEXIS 38814, at 11 (D. Nev. Apr. 30, 2008)
 5 (finding plaintiff stated a claim for intentional infliction of emotional distress where the plaintiff
 6 alleged that she was subjected to repeated verbal abuse by her supervisor). Even if the Court were
 7 to consider her generalized statements as extreme or outrageous conduct, Plaintiff has failed to
 8 allege that she suffered any severe or emotional distress as a result of that conduct. Further, the
 9 Court finds that amendment of this claim would be futile, particularly since Plaintiff has already
 10 been given leave to amend once before. Therefore, the Motion to Dismiss is granted as to the
 11 intentional infliction of emotional distress claim and it is dismissed with prejudice.

12 ***v. Fifth cause of action – wrongful termination, IIED, tortious interference with a***
 13 ***contract, and tortious interference with prospective economic advantage.***

14 Plaintiff labels an amalgamation of several claims as her fifth cause of action. First,
 15 Plaintiff alleges wrongful termination in violation of Title VI and Section 504 of the Rehabilitation
 16 Act. However, Plaintiff has already alleged Title VI and Section 504 claims. To the extent that this
 17 claim is different in that it concerns “wrongful termination,” Plaintiff was never employed by
 18 Defendants. Therefore, Plaintiff’s “wrongful termination” claim is dismissed with prejudice. The
 19 Court has also dismissed Plaintiff’s claim for IIED.

20 “To establish intentional interference with contractual relations, the plaintiff must show:
 21 (1) a valid and existing contract; (2) the defendant’s knowledge of the contract; (3) intentional acts
 22 intended or designed to disrupt the contractual relationship; (4) actual disruption of the contract;
 23 and (5) resulting damage.” Sutherland v. Gross, 772 P.2d 1287, 1290 (Nev. 1989). Plaintiff
 24 identifies a contract between herself and Defendant Las Vegas College. But she fails to plead that:
 25 Defendants were aware of this contract; Defendants took actions intending to interfere with the
 26 contract; the contract was disrupted as a result of Defendants’ actions; and that she suffered
 27 damage. Plaintiff has already been given leave to amend and has failed to allege further facts to
 28 support such a claim. The Court dismisses this claim with prejudice and grants the motion to

1 dismiss this claim.

2 To make out a *prima facie* claim of interference with prospective economic advantage, a
3 Plaintiff must plead: “(1) a prospective contractual relationship between the plaintiff and a third
4 party; (2) the defendant’s knowledge of this prospective relationship; (3) the intent to harm the
5 plaintiff by preventing the relationship; (4) the absence of privilege or justification by the
6 defendant; and, (5) actual harm to the plaintiff as a result of the defendant’s conduct. Consol.
7 Generator-Nev., Inc. v. Cummins Engine Co., 971 P.2d 1251, 1255 (Nev. 1998) (quoting Leavitt
8 v. Leisure Sports, Inc., 734 P.2d 1221, 1225 (Nev. 1987)). Plaintiff does not allege any prospective
9 contractual relationship between herself and a third party. Plaintiff has already been granted leave
10 to amend this claim and failed to allege further facts to meet the elements of this claim. Therefore,
11 the motion to dismiss this claim is granted and the claim is dismissed with prejudice.

12 **vi. *Sixth cause of action – retaliation under Title VI, Section 504 of the***
13 ***Rehabilitation Act of 1973, and IIED.***

14 Plaintiff alleges that Defendants violated Title VI and Section 504 of the Rehabilitation
15 Act by tampering with her official transcript and grades because she filed disability discrimination
16 complaints. She also alleges that this constitutes intentional infliction of emotional distress. The
17 Court has already dismissed Plaintiff’s IIED claim.

18 To establish a *prima facie* claim of retaliation under § 504, plaintiffs must show that: (1)
19 they engaged in a protected activity; (2) the defendants knew they were involved in the protected
20 activity; (3) an adverse action was taken against them; and (4) a causal connection exists between
21 the protected activity and the adverse action. Alex G. ex rel. Dr. Steven G. v. Bd. of Trs. of Davis
22 Joint Unified Sch. Dist., 387 F.Supp.2d 1119, 1128 (E.D. Cal. 2005). Here, Plaintiff has
23 established a *prima facie* case of retaliation. First, Plaintiff identified protected activity she
24 engaged in—i.e., filing a disability grievance. Plaintiff also identified several allegedly retaliatory,
25 adverse actions taken by Defendants, such as changing her grades and terminating her from the
26 program. Even though these allegations are weak, they are sufficient to meet Plaintiff’s low *prima*
27 *facie* burden. Finally, Plaintiff has established a sufficient causal connection to satisfy the *prima*
28 *facie* test. Courts have generally held that causation can be inferred from timing alone where the

adverse action follows closely on the heels of the protected activity. See, e.g., Clark Cnty. Sch. Dist. v. Breeden, 532 U.S. 268, 273–74 (2001) (stating that the temporal proximity must be “very close”). Here, she filed a report in February 2022, and she was removed from the nursing program in August 2022. The Court denies Defendants’ motion to dismiss this claim.

Therefore, the only claims that survive Defendants’ motion to dismiss are Plaintiff’s claims under Title VI and Section 504 of the Rehabilitation Act against Defendants Las Vegas College and Mikhail Education Corporation. Since the Court has dismissed all claims against Peter Mikhail, he is dismissed from this action. Finally, while the Court granted Plaintiff’s Motion for Leave to File in part and allowed numerous claims to proceed, Plaintiff chose not to include several of these claims in her amended complaint. The claims not included in her amended complaint, such as claims pursuant to the ADA, are not part of this action.

C. Motion for Summary Judgment

On February 12, 2025, Judge Youchah extended the discovery period to March 31, 2025, and the due date for dispositive motions to April 30, 2025. See ECF No. 41. Before that deadline, on March 16, Plaintiff filed a motion for summary judgment. See ECF No. 53. On March 25, Defendants filed a motion to extend time for discovery, which was granted. See ECF Nos. 57, 59. Judge Youchah extended discovery to June 29. See ECF No. 59. On April 7, Defendants responded to Plaintiff’s Motion for Summary Judgment wherein they state that the Court should consider granting summary judgment for Defendants. See ECF No. 63. On April 29 and June 18, Defendants filed three Motions to Compel. See ECF Nos. 79, 105, 106. On June 23, Judge Youchah ruled on the first Motion to Compel, ordered Plaintiff to cooperate with the effort to obtain adequate responses to discovery, and extended the deadline for the completion of discovery to September 29. See ECF No. 108.

Although Rule 56 allows a party to file a motion for summary judgment “at any time,” the rule also allows the court, as is just, to deny the motion or order a continuance for the opposing party to pursue discovery. See FED. R. CIV. P. 56 (Advisory Committee’s Notes (2010 Amendments Subdivision (b))); see also Smith v. Jones, No. 3:20-CV-0504-MMD-CLB, 2021 WL 5968455, at 1 (D. Nev. Dec. 6, 2021) (“Motions for summary judgment can be filed at any time but are often

1 denied as premature when submitted before the parties have had time to conduct at least some
2 discovery.”). Here, Defendants have twice moved to extend the discovery deadline and filed
3 numerous motions to compel to seek further records as part of discovery. Judge Youchah has
4 ordered Plaintiff to comply with discovery, months after Plaintiff filed her motion for summary
5 judgment, and further extended the discovery deadline to provide adequate time to complete
6 discovery. Therefore, the Court finds that Plaintiff’s motion for summary judgment is premature
7 pursuant to Rule 56(d). Therefore, the motion for summary judgment is denied without prejudice
8 to allow for the parties to complete discovery. Plaintiff may refile her motion before the dispositive
9 motion deadline on October 29, 2025.

10 **D. Motion for Preliminary Injunction**

11 On May 7, 2025, Plaintiff filed a second Motion for Preliminary Injunction. See ECF No.
12 84. Once again, the Court finds that Plaintiff cannot meet her burden to show that she is entitled
13 to a preliminary injunction at this time. As a threshold matter, “there must be a relationship
14 between the injury claimed in the motion for injunctive relief and the conduct asserted in the
15 underlying complaint.” See Oncology, LLC v. Queens Med. Ctr., 810 F.3d 631, 636 (9th Cir.
16 2015). This requires a sufficient nexus between the claims raised in a motion for injunctive relief
17 and the claims set forth in the underlying complaint itself. The relationship between the
18 preliminary injunction and the underlying complaint is sufficient where the preliminary injunction
19 would grant relief of the same character as that which may be finally granted. Absent that
20 relationship or nexus, the district court lacks authority to grant the relief requested. See id. At 636.

21 In the current motion, Plaintiff is seeking injunctive relief in the form of a ruling on her
22 motion for summary judgment in her favor. She alleges Defendants tampered with evidence and
23 are unlawfully interfering with the case. In her amended complaint, Plaintiff sought monetary
24 damages and brought claims pursuant to Title VII, Section 504 of the Rehabilitation Act, and
25 various state torts all concerning alleged disability discrimination. The Court finds that there is not
26 a sufficient nexus between the claims raised in the motion for injunctive relief and those set forth
27 in the underlying amended complaint. Additionally, the injunctive relief requested would not be
28 of the same character as the relief sought in the underlying case. See id. The Court denies her

1 Motion for Preliminary Injunction without prejudice.

2
3 **V. CONCLUSION**

4 For the foregoing reasons, **IT IS ORDERED** that the Report and Recommendation (ECF
5 No. 31) is **ACCEPTED** and **ADOPTED** in part. As outlined above, the Court will not dismiss
6 Plaintiff's ADA retaliation claim at this time.

7 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Leave (ECF No. 27) is
8 **GRANTED** in part.

9 **IT IS FURTHER ORDERED** that Defendants' Motion to Dismiss (ECF No. 45) is
10 **GRANTED** in part. As outlined above, the Court dismisses all of Plaintiff's claims except for
11 those pursuant to Section 504 of the Rehabilitation Act and Title VI.

12 **IT IS FURTHER ORDERED** that Peter Mikhail is dismissed from this action.

13 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Summary Judgment (ECF No.
14 53) is **DENIED** without prejudice.

15 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Preliminary Injunction (ECF
16 No. 84) is **DENIED** without prejudice.

17
18 **DATED:** September 30, 2025.

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RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

10/31/2025	205	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Elayna J. Youchah on 10/31/2025. Pending before the Court is Defendants' Motion to Strike Plaintiff's Third Amended Complaint and documents attendant thereto. ECF No. <u>201</u> . The Court considered Defendants' Motion and Plaintiff's Response (ECF No. <u>203</u>). Under Federal Rule of Civil Procedure 15(a)(2), Plaintiff was required to obtain leave of Court or Defendants' agreement to the filing of a third amended complaint. Plaintiff obtained neither before filing her Third Amended Complaint at ECF No. <u>199</u> . Further, Plaintiff's response to Defendants' Motion to Strike provides no reason why Rule 15(a)(2) should not and does not apply here. Accordingly, IT IS HEREBY ORDERED that Defendants' Motion to Strike (ECF No. <u>201</u>) is GRANTED. IT IS FURTHER ORDERED that Plaintiff's Third Amended Complaint (ECF Nos. <u>199</u>), the Supplement thereto (ECF No. <u>200</u>), and the Errata (ECF No. <u>202</u>) are stricken. (no image attached) (Copies have been distributed pursuant to the NEF - EJY) (Entered: 10/31/2025)
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2:24-cv-01589-RFB-

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THIRD AMENDED COMPLAINT

THIRD AMENDED COMPLAINT

GENAY L. AMERSON
Email: rshante1985@gmail.com
1412 Dragonfly Ranch Lane
North Las Vegas, NV 89081
In propria persona

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GENAY L. AMERSON, Individual,

CASE NO. 2:24-01589-RFB-EJY

Plaintiff

EVIDENCE ERRATA TO ECF 210

vs.

NEVADA EDUCATION CORPORATION;
dba LAS VEGAS COLLEGE; MIKHAIL
EDUCATION CORPORATION;
and DOE ASSOCIATES 1-50;

Defendants.

EVIDENCE ERRATA TO ECF 210

1. CORRECTION to all **EVIDENCE LISTINGS** have been made to COMPLAINT, TAC EVIDENCE LIST, and EVIDENCE BINDERS, by adding PX- identifiers to all EVIDENCE and using the same EVIDENCE DESCRIPTION across all aforementioned documents under **RULE 8(e) –CONSTRUING PLEADINGS¹**, tin the furtherance of JUSTICE in this federal civil case (2:24-cv-01589-RFB-EJY).

¹ <https://www.leg.state.nv.us/courtrules/nrcp.html>

Dated: Monday, November 17th, 2025

Respectfully Submitted:

By /s/ Genay L. Amerson
Genay. L. Amerson
1412 Dragonfly Ranch Lane
North Las Vegas, NV, 89081
Email: rshante1985@gmail.com
In propria persona

GENAY L. AMERSON
Email: rshante1985@gmail.com
1412 Dragonfly Ranch Lane
North Las Vegas, NV 89081
In propria persona

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GENAY L. AMERSON, Individual,

CASE NO. 2:24-01589-RFB-EJY

Plaintiff

vs.

NEVADA EDUCATION CORPORATION;
dba LAS VEGAS COLLEGE; MIKHAIL
EDUCATION CORPORATION;
and DOE ASSOCIATES 1-50;

Defendants.

**THIRD AMENDED COMPLAINT
FOR DISCRIMINATION,
HARASSMENT, RETALIATION
& VICTIMIZATION OF DISABLED
IN AN EDUCATIONAL PROGRAM
RECEIVING FEDERAL FUNDING
CLAIM**

THIRD AMENDED COMPLAINT

1. The PLAINTIFF, in propria persona, is now filing her **THIRD AMENDED COMPLAINT** against **NEVADA EDUCATION CORPORATION dba LAS VEGAS COLLEGE** and **MIKHAIL EDUCATION CORPORATION**, for a **DISCRIMINATION, HARASSMENT, RETALIATION & VICTIMIZATION OF DISABLED IN AN EDUCATIONAL PROGRAM RECEIVING FEDERAL FUNDING CLAIM**, directly prohibited under **29 U.S.C. § 794 (10 CFR 4 § A, 10 CFR**

4 § B) 504 of The Rehabilitation Act of 1973 and 42 U.S.C. § 2000d (34 C.F.R. §104.61, 34 C.F.R. § 100.7(e)) Title VI of the Civil Rights Act of 1964/ 2000, that entitles the PLAINTIFF to sue for COMPENSATORY (INCLUDING EMOTIONAL DISTRESS) and EXEMPLARY DAMAGES for PERMANENT INJURY and IRREPARABLE HARM to the PLAINTIFF and her RIGHT to NURSE as DISABLED, and alleges as follows:

2. **CLAIM I – FAILURE TO REASONABLY ACCOMMODATE A QUALIFIED DISABLED STUDENT IN AN EDUCATIONAL PROGRAM RECEIVING FEDERAL FUNDING.**
3. **CLAIM II – FAILURE TO HAVE A DISABILITY ADMINISTRATOR AVAILABLE TO DISABLED STUDENTS IN AN EDUCATIONAL PROGRAM RECEIVING FEDERAL FUNDING.**
4. **CLAIM III – FAILURE TO PREVENT ESCALATION TO INTENTIONAL DISCRIMINATION AND CREATION OF A HOSTILE EDUCATIONAL ENVIRONMENT AGAINST THE DISABLED DUE TO DELIBERATE INDIFFERENCE IN AN EDUCATIONAL PROGRAM RECEIVING FEDERAL FUNDING.**
5. **CLAIM IV – FAILURE TO PREVENT DISCRIMINATORY POLICY CHANGES AGAINST THE DISABLED IN AN EDUCATIONAL PROGRAM RECEIVING FEDERAL FUNDING.**

6. **CLAIM V – FAILURE TO PREVENT DEPRIVATION OF EDUCATIONAL RIGHTS OF THE DISABLED IN AN EDUCATIONAL PROGRAM RECEIVING FEDERAL FUNDING.**
7. **CLAIM VI – WRONGFUL REMOVAL OF A QUALIFIED DISABLED STUDENT FROM AN EDUCATIONAL PROGRAM RECEIVING FEDERAL FUNDING AND FALSIFICATION OF EDUCATIONAL RECORDS IN RETALIATION.**
8. **CLAIM VII – VICTIMIZATION AND DEPRIVATION OF RIGHTS OF DISABLED FOR SEEKING JUSTICE IN OCR CASE NO. 10222173 & FEDERAL CIVIL CASE 2:24-cv-01589-RFB-EJY.**

JURISDICTION

9. This is an action arising under federal civil laws of the UNITED STATES, **15(a)(1)(B)**, **29 U.S.C. § 794 (10 CFR 4 § A, 10 CFR 4 § B)** and **42 U.S.C. § 2000d (34 C.F.R. §104.61, 34 C.F.R. § 100.7(e))²**, *et seq.*, with this Court having subject matter jurisdiction over this federal civil complaint (2:24-cv-01589-RFB-EJY) under **28 U.S.C. § 1331 1(b), (c), and (d)**.
10. The events that give rise to the PLAINTIFF's complaint, occurred in Clark County, Nevada, and this UNITED STATES DISTRICT COURT, is the correct venue for federal subject matter jurisdiction, and, therefore, has subject matter jurisdiction over all causes of action

² EXHIBIT 71 – EXECUTIVE ORDER 13160 INCLUDING DISABILITY DISCRIMINATION UNDER TITLE VI.

and has personal jurisdiction over all parties to this action, because each party had sufficient minimum contacts with the State of Nevada, arising out of or relating to the CLAIMS for RELIEF (see Court Order 189).

11. NEVADA EDUCATION CORPORATION dba LAS VEGAS COLLEGE and MIKHAIL EDUCATION CORPORATION are ENTITIES that have been doing business and residing in the Judicial District of Southern Nevada for years, and therefore venue is proper in this UNITED STATES DISTRICT COURT.

VENUE

12. This Court has personal jurisdiction over NEVADA EDUCATION CORPORATION dba LAS VEGAS COLLEGE and MIKHAIL EDUCATION CORPORATION, because both ENTITIES conducted and do conduct business within the State of Nevada, and LAS VEGAS COLLEGE, is a Federal financial aid receiving institution, that gave the near guarantee of job placement³ after graduation, and all Nursing students at LAS VEGAS COLLEGE had to prepare for the NCLEX (Nursing) exam on ATI software, starting quarter-three, that all but guaranteed a high NCLEX score, and guarantee of job placement and immediate near six-figure income, as a Nurse in the State of Nevada.
13. Venue is proper in this judicial district under **28 U.S.C. § 1391(b), (c), and (d)**, given all events giving rise to PLAINTIFF's CLAIM occurred in the District of Nevada, and

³ Nursing shortage of Nurses in Nevada gives near guarantee that newly licensed and registered nurses will be hired. Nevada.gov Health and Human Resources.

NEVADA EDUCATION CORPORATION dba LAS VEGAS COLLEGE and MIKHAIL EDUCATION CORPORATION are subject to personal jurisdiction in this District.

PARTIES

14. Genay L. Amerson, is a Nevada resident, who was always DISABLED since 2012, has been a resident of Clark County, Nevada since October of 2004, and will be referred to “Genay L. Amerson” or “PLAINTIFF”, throughout this Complaint, except as otherwise noted.

- a. The PLAINTIFF was granted permission to register and use the electronic filing system (PACER/ NEXTGEN) under Local Rule IC 2-1(b), by Court Order 18.
- b. The PLAINTIFF was granted inclusion of **29 U.S.C. § 794 (10 CFR 4 § A, 10 CFR 4 § B) 504** of the REHABILITATION Act of 1973 and **42 U.S.C. § 2000d (34 C.F.R. §104.61, 34 C.F.R. § 100.7(e) TITLE VI** of the CIVIL RIGHTS ACT of 1964/ 2000 CLAIMS **against** NEVADA EDUCATION CORPORATION dba LAS VEGAS COLLEGE and MIKHAIL EDUCATION CORPORATION, by Court Order 189, under **RULE 15(a)(1)(B)**.

15. NEVADA EDUCATION CORPORATION dba LAS VEGAS COLLEGE is a corporation dba trade school and organized under the laws of Nevada and was served with process by service upon its registered agent, Peter Mikhail, at 5150 Decatur Blvd., #8. Las

Vegas, Nevada, 89118, and who has been personally dismissed as a DEFENDANT from this case.

- a. NEVADA EDUCATION CORPORATION dba LAS VEGAS COLLEGE places of business is at 8410 Rafael Rivera Way, Las Vegas, Nevada 89113.
- b. NEVADA EDUCATION CORPORATION dba LAS VEGAS COLLEGE will be referred to as “LAS VEGAS COLLEGE” or “LVC” throughout this Complaint, except as otherwise noted.

16. MIKHAIL EDUCATION CORPORATION is a corporation and organized under the laws of Nevada and was served with process by service upon its registered agent, Peter Mikhail, at 5150 Decatur Blvd., #8. Las Vegas, Nevada, 89118, and who has been personally dismissed as a DEFENDANT from this case.

- a. MIKHAIL EDUCATION CORPORATION is at 5150 S. Decatur Blvd., St. #8, Las Vegas, Nevada, 89118.
- b. MIKHAIL EDUCATION CORPORATION will be referred to as “MIKHAIL EDUCATION CORPORATION” or “MEC” throughout this Complaint, except as otherwise noted.
- c. *Primary Nexus*, Kia Smith; *Tertiary Nexus*, Kimberly King; *OCR Nexus*, Noel Nightingale; *Las Vegas College Program Chair*, Susan Holm; *Las Vegas College Campus Director*, David Dolbow; *Mikhail Education Corporation Vice President*, Sal Younis; (former) *Las Vegas College Fundamentals II Instructor*, Amanda Bognar; *Las Vegas College Adult I Instructor*, Branden Murphy; *Las Vegas College*

Director of Distance Education, Chance Ewing, Mikhail Education Corporation ,
Mikhail Education Corporation Compliance Officer, Kristen Brown; and Las
Vegas College Senior Vice President & Chief Experience Officer, Bob Allen; as
described herein, are being sued under the DEFENDANTS as their DOE
ASSOCIATES.

17. At all relevant times, the DEFENDANT(S) was/ were the agents, servants, employees,
partners, aiders and abettors, co-conspirators, and/ or joint venturers of each of the other
DEFENDANT(S), and were always operating and acting within the purpose and scope of
sed agency, service, employment, partnership, enterprise, conspiracy, and/ or joint venture,
and each DEFENDANT has ratified and approved the acts of each other DEFENDANT.

18. In taking action to aid and abet and substantially assist in the commission of these wrongful
acts and other wrongdoings alleged herein, each DEFENDANT acted with an awareness
of his/ her/ its primary wrongdoing and realized his/ her/ its conduct would substantially
assist the accomplishment of the wrongful conduct, wrongful goals, and wrongdoing, and
as such LAS VEGAS COLLEGE and MIKHAIL EDUCATION CORPORATION are
responsible and liable for their actions, under this CLAIM IN SUIT.

BACKGROUND

19. The PLAINTIFF began LAS VEGAS COLLEGE Nursing Program at the age of fifty, and
before attending LAS VEGAS COLLEGE Nursing Program, the PLAINTIFF attended

Sarah Lawrence College (“SLC”) in 1989, and then transferred to the *University of Southern California* (“USC”) with a 3.5 GPA in 1991; where she went on to proudly participate in her MAY 1994 USC GRADUATION, by an EXCEPTION (before she was technically qualified to graduate), and who is an accomplished individual, who in her earlier life was an Account Executive for Artisan Creative, a boutique third-party HR firm for Graphics until the PLAINTIFF expanded the business to include web placements and increased profits by 10% before accepting a position as an Information Architect and Sr. Producer for Caribiner International, Web Division, while in her mid-twenties, and oversaw a group of fifty teammates, and launched the first ever Webcast for Lincoln Mercury, a Ford nameplate.

- a. The PLAINTIFF attended SARAH LAWRENCE COLLEGE in the fall of 1989 and transferred with a 3.5 GPA to the UNIVERSITY OF SOUTHERN CALIFORNIA in the fall of 1991 and majored in English Creative Writing with an Emphasis in Poetry.
- b. The PLAINTIFF has proved she is DISABLED by presentation of her SSDI DOCUMENTATION and UNIVERSITY OF CALIFORNIA SAN FRANCISCO DOCTOR’S NOTE from the Head of Endocrinology, that was provided to LAS VEGAS COLLEGE with the PLAINTIFF’s REASONABLE ACCOMMODATIONS application.
- c. The PLAINTIFF has autoimmune, endocrine, and CNS DISABILITIES, that includes occipital neuralgia, chronic migraines, chronic meningitis (currently

unremarkable), dystonia, hypothyroidism, and panhypopituitarism, all as a direct result of her neurosarcoidosis.

- d. The PLAINTIFF's uses cannabis by prescription for functional wellness, after sing *Rick Simpson Oil to halt her uncontrolled meningitis*, and reported sed usage to LAS VEGAS COLLEGE on February 14, 20222.
- e. In 2013 the PLAINTIFF obtained her CNA from the College of Southern California, while her disease process was active, as a precursor to Nursing school, and it was her submission of this certification, after her initial application, that secured her seat in the 0721 COHORT at LAS VEGAS COLLEGE Nursing program.
- f. The PLAINTIFF proved she was QUALIFIED to attend Nursing school, by her 700 TEAS score, previous educational pedigree, acceptance, and **86% NCLEX READINESS SCORE (NURSING LICENSURE EXAM)** on June 28, 2022, a month before the PLAINTIFF was WRONGFULLY REMOVED from the Nursing Program, based solely on her FALSE-POSITIVE April 18-20, 20222 BLANK 10-PANEL and ergo INVALID drug-test result.
- g. The PLAINTIFF filed a complaint with the OFFICE FOR CIVIL RIGHTS in August of 2022, an investigation was opened in January of 2023, but there was no Allegation for DISCRIMINATION or RETALIATION OF DISABLED, and concluded a year-and-a-half later⁴, with the OFFICE FOR CIVIL RIGHTS

⁴ OCRPM gives 180-days for investigations.

suppressing 2,756-pages in evidence, perjuring themselves, and FALSIFYING the official OCR Case No. 10222173 FACTS & FINDINGS REPORT, that IRREPARABLY HARMED the PLAINTIFF and her RIGHT to NURSE as DISABLED, that cost her financial independence, becoming a licensed and registered Nurse (\$101,000-thousand-dollars per Anum)⁵, next a Nurse Injector (approx. \$165,000.00-thousand-dollars per Anum)⁶ at the three-year marker while earning her DNP to open her own MedSpa at the five-year marker (\$2 million per Anum) as the owner/ operator⁷.

20. NEVADA EDUCATION CORPORATION dba **LAS VEGAS COLLEGE** is corporation dba trade school, specializing in medical technical training, and is a wholly owned subsidiary of **MIKHAIL EDUCATION CORPORATION**, with most of their student population reliant upon federal financial aid to complete their two-year Nursing Degree, that requires full-time attendance with some weekend clinical rotations, and year round attendance with a week break in between quarters (except the Christmas Holiday break, which was two-weeks), and had a strict uniform policy, that grew even more strict to in DISCRIMINATION against the PLAINTIFF, had a rigorous training regimen, and cost approximately \$52,000-thousand-dollars for the 24-month program.

⁵ <https://blog.diversitynursing/bol/2024-u.s.-rn-pay-by-cost-of-living>

⁶ <https://www.ziprecruiter.com/Salaries/Cosmetic-Nurse-Injector-Salary-in-Las-Vegas,NV>

⁷ <https://www.zenoti.com/thechekin/are-med-spas-profitable>

- a. Las Vegas College was originally located in Henderson at 170 North Stephanie St., Henderson, NV 89074, and was where the PLAINTIFF attended for first two-quarters before transitioning to full-time education at Rafael Rivera Way, in January 2022, quarter-three.
- b. LAS VEGAS COLLEGE promised a state-of-the-art library, training facilities, and a future gym and cafeteria.
- c. When the new campus opened in January of 2022 the facilities were still in progress, the library was not yet filled with the necessary books and manuals, free copies were ceased after a couple of weeks, and the program seemed disjointed.
- d. Between January 2022 and April 2022 LAS VEGAS COLLEGE Nursing Program had lost five faculty and administrative members due to Susan Holm's brand of 'leadership', that directly led to her personally teaching PHARMACOLOGY I and FUNDAMENTALS II, during quarter-three, and additional faculty and administrators were lost (RHONDA WESSON – FUNDAMENTALS I , Clara Casey , Director of Distance Education, and Chance Ewing's predecessor, Nick Posson, Director of Education) before quarter-four.
- e. By quarter-three, Cohort 0721 had filed complaints in mass about the lack of instruction and heavy emphasis on computer modulated training, that failed to teach the Nursing student the intangibles of Nursing, coupled with instructor's office hours being inconsistent and/ or nonexistent until quarter four due to ongoing construction completion leaving some instructors without private offices.

f. While it was true, the Nursing Program repeatedly encountered Portal issues every quarter, it is also true, if they had kept their agreement to REASONABLY ACCOMMODATE the PLAINTIFF, these issues could have been known beforehand and could have been plausibly eliminated delays not only in reasonably accommodating the PLAINTIFF, but all of COHORT 0721.

21. DEFENDANTS' *Nexus* included in CLAIM are FACULTY and ADMINISTRATORS that had direct involvement in aiding and/ or abetting the DISCRIMINATION and/ or the HARASSMENT, and/ or the RETALIATION, and/ or their VICTIMIZATION of the PLAINTIFF for being DISABLED and/ or asserting her legal rights to NOT be DISCRIMINATED against as DISABLED, that DEPRIVED the PLAINTIFF of equal access to Nursing Programs, Nursing Opportunities, and Other Nursing benefits.

22. **CLAIM I – FAILURE TO REASONABLY ACCOMMODATE A QUALIFIED DISABLED STUDENT IN AN EDUCATIONAL PROGRAM RECEIVING FEDERAL FUNDING**, was included after The PLAINTIFF applied and was accepted into the July 2021 COHORT for the LAS VEGAS COLLEGE Nursing Program, as a DISABLED student, with a 700 NCLEX score (first attempt) and CNA CERTIFICATION (2013).

a. The PLAINTIFF maintained a 3.5 GPA or higher from quarter-two on, proving she was QUALIFIED, and bookmarked her Nursing Program success with an **86%** on her June 28, 2022 **NCLEX READINESS SCORE (NURSING LICENSURE EXAM)** that covered information on the first half of the exam.

- b. The PLAINTIFF made REASONABLE ACCOMMODATIONS requests during quarter-two (Math Cheat Sheet included by coercion of Susan Holm) , including a Doctor's Note from the Head of USCF Endocrinology, that was AGREED to in writing, went into effect on October 1, 2021, and was NOT met (outside of the GaiaM therapy ball chair agreement).
- c. At no time from quarter-two (October 11, 2021) through quarter-five (July 11, 2022) did the PLAINTIFF receive READING MATERIALS or quarterly course ASSIGNMENTS (syllabi) a week before each quarter began, pursuant to her agreement with LAS VEGAS COLLEGE and MIKHAIL EDUCATION CORPORATION, Kristen Brown (Compliance Officer).

23. CLAIM II – FAILURE TO HAVE A DISABILITY ADMINISTRATOR AVAILABLE TO DISABLED STUDENTS IN AN EDUCATIONAL PROGRAM RECEIVING FEDERAL FUNDING, was included as a direct result of LAS VEGAS COLLEGE and MIKHAIL EDUCATION CORPORATION FAILURE to provide a DISABILITY Administrator on Campus and available to DISABLED students, in compliance with 29 U.S.C. § 794 (10 CFR 4 § A, 10 CFR 4 § B), that could have plausibly prevented the DISCRIMINATION from occurring against the PLAINTIFF and escalating into a HARASSMENT, RETALIATION, & VICTIMIZATION OF DISABLED **eight-figure (\$96,107,517.00-million-dollars)** lawsuit (see SPECIAL DAMAGES DISCLOSURE – ATTACHMENT A).

24. CLAIM III – FAILURE TO PREVENT ESCALATION TO INTENTIONAL DISCRIMINATION AND CREATION OF A HOSTILE EDUCATIONAL ENVIRONMENT AGAINST THE DISABLED DUE TO DELIBERATE INDIFFERENCE IN AN EDUCATIONAL PROGRAM RECEIVING FEDERAL FUNDING, was included after the PLAINTIFF filed DISABILITY DISCRIMINATION COMPLAINTS ongoing with LAS VEGAS COLLEGE Program Chair, Susan Holm, and LAS VEGAS COLLEGE Campus Director, David Dolbow, without response for months, that directly led to:

- a. From February 2022 – March 2022, Amanda Bognar, FUNDAMENTALS II Instructor, downgraded the PLAINTIFF, gave her discriminatory variances, defamed the PLAINTIFF in lecture and SIMULATIONS, and gave her consent to other students to do the same, until she was removed from LAS VEGAS COLLEGE by DAVID DOLBOW.
- b. From March 2022 – August 2022, Rosalie Dunn, LAS VEGAS COLLEGE Clinical Coordinator, deleted the PLAINTIFF's emails from her personal mobile device under false pretense and erased all damaging messages from March 2022 (Amanda Bognar) to June 2022 (DISABILITY DISCRIMINATION COMPLAINTS), threatened and verbally assaulted the PLAINTIFF by proxy of another student not assigned to the PLAINTIFF's clinical site (Sunrise Hospital), to tell her to run and hide or suffer a beat down.

- c. From April 2022 –July 2022, Nursing Board Member and ADULT I Instructor, Branden Murphy, daily defamed the PLAINTIFF in lectures and gave his consent to other students to do the same, tested students weekly in ADULT I instead of every other week as was standard, that transformed the 70% Testing Policy into and 88.5% High-Stakes Testing Policy by quarter-five, ADULT II, that in combination with the PLAINTIFF not being accommodated, directly led to her assignments being turned in after the original deadline, always with consent.

25. CLAIM IV – FAILURE TO PREVENT DISCRIMINATORY POLICY CHANGES AGAINST THE DISABLED IN AN EDUCATIONAL PROGRAM RECEIVING FEDERAL FUNDING, was included after multiple PROGRAM and POLICY changes were implemented that DEPRIVED the PLAINTIFF of her EDUCATIONAL RIGHTS to equal access to Programs (within LVC Nursing Program), Nursing Opportunities, and Other Nursing Benefits, that included:

- a. Amanda Bognar under the Authority of Susan Holm, changing uniform policy, including tight-hair bun policy (PLAINTIFF has chronic migraines), shoe Policy mandating laces for all nursing shoes (PLAINTIFF's Nike Nursing Shoes⁸ were slip-on), and that mandated only wristwatches would be allowed and the nurse clip-on watch⁹ worn by the PLAINTIFF was no longer allowed.

⁸ <https://about.nike.com/en/newsroom/releases/nike-air-zoom-pulse>

⁹ <https://speidel.com/collections/nurse-watches/products/scrub-30-v2-fob-watch-set-of-2>

- b. All quarter-four lectures being stacked into one long 12-hour day, when previously all lectures were spread out across the week.
- c. Branden Murphy under the authority of Susan Holm, implementing weekly Testing, changing assignment formatting and submission policies on the last day of quarter-four to discriminatorily fail the PLAINTIFF in ADULT I.
- d. Under the authority of Susan Holm, new and DISCRIMINATORY Lab Policies, turned what was originally practice-time for student nurses to hone their new skills, into Survivors Island that included written corrections that could lead to a variance for practice not Lab Check-Off mistakes., the previous policy.

26. CLAIM V – FAILURE TO PREVENT DEPRIVATION OF THE EDUCATIONAL RIGHTS OF THE DISABLED IN AN EDUCATIONAL PROGRAM RECEIVING FEDERAL FUNDING was included after Sal Younis, MIKHAIL EDUCATION CORPORATION Vice-President, took oversight of the PLAINTIFF's DISABILITY DISCRIMINATION COMPLAINTS, and with authorization, created an even more HOSTILE EDUCATIONAL ENVIRONMENT, DEPRIVED the PLAINTIFF of her most valuable educational rights as DISABLED, the right to say please do not DISCRIMINATE against me for being DISABLED, unlawfully taken away in Sal Youn's Illegal TITLE IX Investigation Report (August 11, 2022), when his role was to remain neutral and report the FACTS, that directly led to DEFENDANTS REMOVING her in RETALIATION, and contributed to the future violations in OCR Case No. 10222173.

- a. Sal Younis used his authority, with authorization, to further DENY the PLAINTIFF access to Programs (QUARTER-5 CLINICALS), in violation of 504 of the Rehabilitation Act of 1973 and Title VI of the Civil Rights Act of 1964/ 2000, and her RIGHTS as DISABLED.
- b. Sal Younis used his authority, with authorization, to further DENY the PLAINTIFF benefit of POLICY & PROCEDURE (FALSE-POSITIVE APRIL 18-20, 2022 BLANK & INVALID 10-PANEL DRUG-TEST-RESULT USED TO REMOVE PLAINTIFF), in violation of 504 of the Rehabilitation Act of 1973 and Title VI of the Civil Rights Act of 1964/ 2000, and her RIGHTS as DISABLED.

27. CLAIM VI – WRONGFUL REMOVAL OF A QUALIFIED DISABLED STUDENT FROM AN EDUCATIONAL PROGRAM RECEIVING FEDERAL FUNDING AND FALSIFICATION OF EDUCATIONAL RECORDS IN RETALIATION was included after LAS VEGAS COLLEGE and MIKHAIL EDUCATION CORPORATION WRONGFULLY REMOVED the PLAINTIFF from an educational program receiving FEDERAL FUNDING, based off a previously adjudicated April 18-20, 2022 DRUG-TEST-RESULT that was always NEGATIVE, CONTAMINATED, and INVALID as a BLANK 10-PANEL REPORT.

- a. That led to RETALIATION for her asserting her legal rights as DISABLED, that led to the further RETALIATION of the DEFENDANTS and their PRIMARY NEXUS, Kis Smith, FALSIFICATION her official LAS VEGAS COLLEGE TRANSCRIPT.

- b. That led to RETALIATION for her asserting her legal rights as DISABLED, that led to the further RETALIATION of the DEFENDANTS and their PRIMARY NEXUS, Kis Smith, FALSIFICATION her official SARAH LAWRENCE COLLEGE and UNIVERSITY OF SOUTHERN CALIFORNIA TRANSCRIPTS, to make the first falsification seem more plausible.

28. CLAIM VII – VICTIMIZATION AND DEPRIVATION OF RIGHTS OF DISABLED FOR SEEKING JUSTICE IN OCR CASE NO. 10222173 & FEDERAL CIVIL CASE 2:24-cv-01589-RFB-EJY, was included after the DEFENDANTS and their Primary Nexus, kia Smith, colluded with OCR Nexus, Noel Nightingale, and Tertiary Nexus, Kimberly King, to TARGE, VICTIMIZIE & DEPRIVE the PLAINTIFF of her legal RIGHT to NURSE as a DISABLED and SEEK JUSTICE, for the PERMANENT INJURY and IRREPARABLE HARM done to her by the DEFENDANTS as a direct result.

- a. ***OCR Nexus***, Noel Nightingale, SUPPRESSED 2,756-PAGES in EVIDENCE, allowed known RETALIATION to continue against the PLAINTIFF after being informed, that violated OCRM POLICY & PROCEDURE, and IRREPARABLY HARMED the PLAINTIFF and her RIGHT to NURSE, when Noel Nightingale with intent and malice, FALSIFIED the FACTS & FINDINGS REPORT for OCR Case No. 10222173, dismissing all ALLEGATIONS in violation of **29 U.S.C. § 794 (10 CFR 4 § A, 10 CFR 4 § B) and 42 U.S.C. § 2000d (34 C.F.R. §104.61, 34 C.F.R. § 100.7(e).**

- b. ***Tertiary Nexus***, Kimberly King, was the PLAINTIFF's contracted PARALEGAL, and who became compromised by the DEFENDANT's Primary Nexus, Kia Smith, that directly led to the PLAINTIFF's ORIGINAL & UNFILED COMPLAINT being switch out with an employment complaint, to the PLAINTIFF's OBJECTIONS to Court Order 31 bring intentionally MISFILED under REPORTS & RECOMENDATIONS (ECF 32), and was let go after the PLAINTIFF found her MOTION FOR HEARING REQUEST by Court Order 51, intentionally left UNFILED by Kimberly King, of KING SOLUTIONS.
- c. ***Primary Nexus***, Kia Smith, has incessantly VICTIMIZED the PLAINTIFF since being let go for falsely representing her, that included the PLAINTIFF's SSDI benefits being illegally CEASED, every electronic device in her home being HACKED, including mobile devices, illegally interfered in MEDICAL APPOINTMENTS and stays, illegally interfered ongoing in the production of the THIRD AMENDED COMPLAINT, PLAINTIFF PACER ACCESS, and has siphoned money from her BANK ACCOUNT, has has the PLAINTIFF followed from her doorstep like clockwork, has THREATENED the PLAINTIFF's life on multiple occasions, including by CREMATION invitation, has orchestrated 3-AUTO ACCIDENTS involving the PLAINTIFF and her family, has DEFILED the PLAINTIFF, hair (overprocessed bleaching), nails (nails shaped like oversized talons), and feet (hot pedicure), has CREATED HOSTILE ENVIRONMENTS outside of LAS VEGAS.COLLEGE (Traffic Courtroom INTIMIDATION that has

caused the PLAINTIFF to subpoena the video of the August 9, 2025 HEARING, and was recently Assaulted and Harassed by proxy of Kia Smith's associates at a Best Buy, where the PLAINTIFF purchased a new laptop, printer, and mobile hotspot, all RETURNED without the PLAINTIFF's knowledge or consent the same day, and has invaded the PLAINTIFF's life twenty-four-seven, since last spring (April 2024), has been unrelenting in her assault.

**DISCRIMINATION, HARASSMENT, RETALIATION, &
VICTIMIZATION OF DISABLED IN A PROGRAM RECEIVING
FEDERAL FUNDING IN SUIT**

29. NEVADA EDUCATION CORPORATION dba LAS VEGAS COLLEGE and MIKHAIL EDUCATION CORPORATION violated 29 U.S.C. § 794 (10 CFR 4 § A, 10 CFR 4 § B) 504 of *The Rehabilitation Act of 1973*, **CLAIM I – FAILURE TO REASONABLY ACCOMMODATE A QUALIFIED DISABLED STUDENT IN AN EDUCATIONAL PROGRAM RECEIVING FEDERAL FUNDING**, prohibited under 504, that entitles the PLAINTIFF to **sue** for COMPENSATORY (INCLUDING EMOTIONAL DISTRESS) and EXEMPLARY DAMAGES for PERMANENT INJURY and IRREPARABLE HARM to her RIGHT to NURSE as DISABLED. A true copy of the PLAINTIFF's EVIDENCE, **EXHIBITS PX-000001, PX-000002, PX-000003, PX-000004, PX-000005, PX-000006, PX-000007, PX-000008, PX-000009** are filed with the Court under ECF 149, and are incorporated by reference herein and attached hereto as: **PX-000001**

(EXHIBIT 1-ECF 149) – PLAINTIFF REASONABLE ACCOMMODATION AGREEMENT WITH NEVADA EDUCATION CORPORATION DBA LAS VEGAS COLLEGE AND MIKHAIL EDUCATION CORPORATION, **PX-000002 (EXHIBIT 2-ECF 149)** – PLAINTIFF (HEAD OF UCSF ENDOCRINOLOGY) DOCTORS’ NOTE, **PX-000003 (EXHIBIT 6-ECF 149)** – PLAINTIFF EMAIL CORRESPONDENCE WITH CHANCE EWING (DISTANCE EDUCATION DIRECTOR), **PX-000004 (EXHIBIT 45-ECF 149)** – PLAINTIFF ACCELERATED SUMMER-2013 CNA PROGRAM CERTIFICATE FROM THE COLLEGE OF SOUTHERN NEVADA, **PX-000005 (EXHIBIT 46-ECF 149)** – PLAINTIFF ORIGINAL LAS VEGAS COLLEGE NURSING STUDENT CONTRACT, **PX-000006 (EXHIBIT 47-ECF 149)** – PLAINTIFF ORIGINAL 2021-2022 LAS VEGAS COLLEGE FINANCIAL AID PACKAGE, **PX-000007 (EXHIBIT 49-ECF 149)** – PLAINTIFF 88% NCLEX READINESS EXAM SCORE, **PX-000008 (EXHIBIT 54-ECF 149)** – PLAINTIFF ORIGINAL LAS VEGAS COLLEGE NURSING PROGRAM ANATOMY & PHYSIOLOGY II HAND-DRAWN ILLUSTRATIONS OF ORGAN SYSTEMS, **PX-000009 (EXHIBIT 49-ECF 149)** – PLAINTIFF CONFIRMATION EMAIL TO BRANDEN MURPHY (ADULT I INSTRUCTOR) 3-ATI CASE STUDIES REMEDIATIONS SUBMITTED (WORTH AN ENTIRE GRADE).

30. NEVADA EDUCATION CORPORATION dba LAS VEGAS COLLEGE and MIKHAIL EDUCATION CORPORATION violated 29 U.S.C. § 794 (10 CFR 4 § A, 10 CFR 4 § B) 504 of *The Rehabilitation Act of 1973*, **CLAIM II – FAILURE TO HAVE A DISABILITY ADMINISTRATOR AVAILABLE TO DISABLED STUDENTS IN AN EDUCATIONAL PROGRAM RECEIVING FEDERAL FUNDING**, prohibited under 504, that entitles the PLAINTIFF to sue for COMPENSATORY (INCLUDING EMOTIONAL DISTRESS) and EXEMPLARY DAMAGES for PERMANENT INJURY and IRREPARABLE HARM to her RIGHT to NURSE as DISABLED. A true copy of the PLAINTIFF's EVIDENCE, **PX-000010**, is being newly filed with the Court, and is incorporated by reference herein and attached hereto as: **PX-000010 (EXHIBIT 82*¹) – LAS VEGAS COLLEGE 2020–2021 STUDENT CATALOG ADDENDUM ADMINISTRATION & FACULTY LIST.**

31. NEVADA EDUCATION CORPORATION dba LAS VEGAS COLLEGE and MIKHAIL EDUCATION CORPORATION violated 42 U.S.C. § 2000d (34 C.F.R. §104.61, 34 C.F.R. § 100.7(e))¹⁰ *Title VI of the Civil Rights Act of 1964/ 2000*, **CLAIM III – FAILURE TO PREVENT ESCALATION TO INTENTIONAL DISCRIMINATION AND CREATION OF A HOSTILE EDUCATIONAL ENVIRONMENT AGAINST THE DISABLED DUE TO DELIBERATE INDIFFERENCE IN AN EDUCATIONAL PROGRAM RECEIVING FEDERAL FUNDING**, prohibited under TITLE VI, that

¹⁰ EXHIBIT 71 – EXECUTIVE ORDER 13160 INCLUDING DISABILITY DISCRIMINATION UNDER TITLE VI.

entitles the PLAINTIFF to **sue** for COMPENSATORY (INCLUDING EMOTIONAL DISTRESS) and EXEMPLARY DAMAGES for PERMANENT INJURY and IRREPARABLE HARM to her RIGHT to NURSE as DISABLED. A true copy of the PLAINTIFF's EVIDENCE, **EXHIBITS PX-000011, PX-000012, PX-000013, PX-000014, PX-000015, PX-000016, PX-000017, PX-000018, PX-000019, PX-000020, PX-000021, PX-000022, PX-000023, PX-000024**, are filed with the Court or are being newly filed, and are incorporated by reference herein and attached hereto as: **PX-000011 (EXHIBIT 9-ECF 149) – COPY OF PLAINTIFF FUNDAMENTALS II MIDTERM DOWNGRADED EMAIL TO AMANDA BOGNAR (FUNDAMENTALS II INSTRUCTOR), PX-000012 (EXHIBIT 10-ECF 149) – COPY OF BRANDEN MURPHY (ADULT I INSTRUCTOR) DUE DATE CHANGE EMAIL TO PLAINTIFF ON JUNE 29, 2022, PX-000013 (EXHIBIT 11-ECF 149) – COPY OF PLAINTIFF 3-ATI CASE STUDY REMEDIATIONS CONFIRMATION EMAIL TO BRANDEN MURPHY (ADULT I INSTRUCTOR), PX-000014 (EXHIBIT 14*3) – COPY OF BRANDEN MURPHY JULY 8, 2022 DISCRIMINATORY POLICY CHANGE EMAIL TO PLAINTIFF, PX-000015 (EXHIBIT 19-ECF 149) – COPY OF PLAINTIFF FAILURE TO RECEIVE ACCESS TO MANDATORY ASSIGNMENT EMAIL TO ROSALIE DUNN (NURSING PROGRAM CLINICAL COORDINATOR), PX-000016 (EXHIBIT 24-ECF 149) – COPY OF PLAINTIFF MARCH 14, 2022 PLEADING FOR RELIEF EMAIL TO DAVID DOLBOW, PX-000017 (EXHIBIT 25-ECF 149) – COPY**

OF PLAINTIFF EMAIL TO SUSAN HOLM (PROGRAM CHAIR) AFTER 60-DAYS ELAPSED WITHOUT A PEER REVIEW, **PX-000018 (EXHIBIT 26-ECF 149)** – COPY OF PLAINTIFF UNANSWERED PLEADING FOR RELIEF JUNE 8, 2022 EMAIL TO DAVID DOLBOW (LAS VEGAS COLLEGE CAMPUS DIRECTOR), **PX-000019 (EXHIBIT 27-ECF 149)** – COPY OF PLAINTIFF JUNE 21, 2022 SEEKING A RESPONSE SINCE MARCH 14, **PX-000020 (EXHIBIT 34-ECF 149)** – COPY OF PLAINTIFF DELETED MESSAGES EMAIL TO SUSAN HOLM, **PX-000021 (EXHIBIT 36-ECF 149)** – COPY OF PLAINTIFF **MARCH 2, 2022 REPORT OF BEING AMBUSHED AND ASSUALTED**, **PX-000022 (EXHIBIT 55-ECF 149)** – COPY OF LAS VEGAS COLLEGE ADULT I DISCRIMINATORY APPEAL, **PX-000023 (EXHIBIT 56-ECF 149)** – PLAINTIFF QUARTER-FOUR STUDENT PORTAL LOCKOUT EMAIL TO PSYCHOLOGY PROFESSOR (MICHEAL I.), **PX-000024 (EXHIBIT 77-ECF 149)** – COPY OF NEVADA BOARD OF NURSING MEMBERS ONLINE WEB-PAGE.

32. NEVADA EDUCATION CORPORATION dba LAS VEGAS COLLEGE and MIKHAIL EDUCATION CORPORATION violated **29 U.S.C. § 794 (10 CFR 4 § A, 10 CFR 4 § B) 504 of The Rehabilitation Act of 1973** and **42 U.S.C. § 2000d (34 C.F.R. §104.61, 34**

C.F.R. § 100.7(e)¹¹ *Title VI of the Civil Rights Act of 1964/ 2000*, **CLAIM IV – FAILURE TO PREVENT DISCRIMINATORY POLICY CHANGES AGAINST THE DISABLED IN AN EDUCATIONAL PROGRAM RECEIVING FEDERAL FUNDING**, prohibited under **504** and **TITLE VI**, that entitles the PLAINTIFF to **sue** for **COMPENSATORY (INCLUDING EMOTIONAL DISTRESS)** and **EXEMPLARY DAMAGES** for **PERMANENT INJURY** and **IRREPARABLE HARM** to her **RIGHT** to **NURSE** as **DISABLED**. A true copy of the PLAINTIFF's EVIDENCE, **EXHIBITS PX-000025, PX-000026, PX-000027, PX-000028, PX-000029, PX-000030, PX-000031, PX-000032, PX-000033, PX-000034, PX-000035, PX-000036, PX-000037, PX-000038, PX-000039, PX-000040, PX-000041**, are filed or will be filed with the Court, and is incorporated by reference herein and attached hereto as: **PX-000025 (EXHIBIT 7-ECF 149) – COPY OF PLAINTIFF VALID 10-PANNEL JUNE 3, 2021 DRUG-TEST-RESULT, PX-000026 (EXHIBIT 94*⁴) – COPY OF LAS VEGAS COLLEGE NURS1145 PHARMACOLOGY OF NURSING I – RN THEORY – WINTER 2022 SYLLABUS, PX-000027 (EXHIBIT 3-ECF 149) – COPY OF PLAINTIFF FEBRUARY 14, 2022 CANNABIS DISCLOSURE AND DISABILITY RIGHTS EMAIL TO SUSAN HOLM (PROGRAM CHAIR), PX-000028 (EXHIBIT 35-ECF 149) – COPY OF FEBRUARY 28, 2022 WATCH VARIANCE ISSUED TO PLAINTIFF BY**

¹¹ *Title VI of the Civil Rights Act of 1964/ 2000* EXHIBIT 71 – EXECUTIVE ORDER 13160 INCLUDING DISABILITY DISCRIMINATION UNDER TITLE VI.

AMANDA BOGNAR (FUNDAMENTALS II INSTRUCTOR), **PX-000029 (EXHIBIT 29*⁵)** – COPY OF LAS VEGAS COLLEGE NUR 1027 FUNDAMENTALS OF NURSING II – THEORY SYLLABUS, **PX-000029 (EXHIBIT 29*⁵)** – COPY OF LAS VEGAS COLLEGE NUR 1027 FUNDAMENTALS OF NURSING II – THEORY SYLLABUS, **PX-000030 (EXHIBIT 48-ECF 149)** – COPY OF PLAINTIFF ALWAYS NEGATIVE, (KNOWN TO BE CONTAMINATED⁶) AND BLANK FALSE-POSITIVE QUEST DIAGNOSTICS 10-PANNEL DRUG-TEST-RESULT, **EXHIBIT 14** – PLAINTIFF EMAIL TO BRANDEN MURPHY PROVING CASE STUDIES SUBMITTED EXACTLY THE SAME AS HER PREVIOUS ASSIGNMENTS THAT RECEIVED FULL CREDIT & WERE NOT ZEROED OUT, **PX-000030 (a) (ECF 138)** – PLAINTIFF NOTARIZED AFFIDAVIT ATTESTING TO STOLEN QUEST DIAGNOSTIC (104-PAGE) DISCOVERY PACKET, **PX-000031 (EXHIBIT 4-ECF 149)** – COPY OF PLAINTIFF MEDICAL, **PX-000031 (EXHIBIT 4-ECF 149)** – COPY OF PLAINTIFF MEDICAL, **PX-000032 (EXHIBIT 5-ECF 149)** – COPY OF LAS VEGAS COLLEGE ADMINISTRATION OVERRIDE OF PLAINTIFF APRIL 2022 FALSE-POSITIVE DRUG-TEST-RESULT, **PX-000033 (EXHIBIT 72-ECF 149)** – COPY OF LAS VEGAS COLLEGE 2020-2021 SUBSTANCE ABUSE POLICY AND PROCEDURES, **PX-000034 (EXHIBIT 38-ECF 149)** – COPY OF PLAINTIFF JUNE 14, 2022 NEW DISCRIMINATORY LAB POLICY EMAIL, **PX-000035 (EXHIBIT 17-**

ECF 149) – COPY OF PLAINTIFF LAS VEGAS COLLEGE ADULT I APPEAL, PX-000036 (EXHIBIT 15-ECF 149) – SUSAN HOLM (PROGRAM CHAIR) ADULT I APPEAL DECISION EMAIL, PX-000037 (EXHIBIT 37-ECF 149) – COPY OF PROOF PLAINTIFF PAPERWORK FOR ST. ROSE SIENA CLINICAL PLACEMENT, PX-000038 (EXHIBIT 20-ECF 149) – COPY OF PLAINTIFF OBJECTION TO DISCRIMINATORY CLINICALS REASSIGNMENT EMAIL TO SAL YOUNIS (VICE PRESIDENT MIKHAIL EDUCATION CORPORATION), PX-000039 (EXHIBIT 8-ECF 149) – COPY OF JULY 26, 2022 REQUESTING TO SEE PLAINTIFF ABOUT APRIL 2022 DRUG-TEST-RESULT EMAIL FROM DAVID DOLBOW (LAS VEGAS COLLEGE CAMPUS DIRECTOR), PX-000040 (EXHIBIT 40*⁷) – COPY OF LAS VEGAS COLLEGE NUR 2212, PX-000041 (EXHIBIT 73-ECF 149) – COPY OF LAS VEGAS CHANNEL 13 (ABC NEWS) ARTICLE ON LAS VEGAS COLLEGE.

33. NEVADA EDUCATION CORPORATION dba LAS VEGAS COLLEGE and MIKHAIL EDUCATION CORPORATION violated 29 U.S.C. § 794 (10 CFR 4 § A, 10 CFR 4 § B) 504 of *The Rehabilitation Act of 1973* and 42 U.S.C. § 2000d (34 C.F.R. §104.61, 34 C.F.R. § 100.7(e))¹² *Title VI of the Civil Rights Act of 1964/ 2000*, **CLAIM V – FAILURE TO PREVENT DEPRIVATION OF THE EDUCATIONAL RIGHTS OF THE**

¹² EXHIBIT 71 – EXECUTIVE ORDER 13160 INCLUDING DISABILITY DISCRIMINATION UNDER TITLE VI.

DISABLED IN AN EDUCATIONAL PROGRAM RECEIVING FEDERAL FUNDING, prohibited under **504** and **TITLE VI**, that entitles the PLAINTIFF to sue for COMPENSATORY (INCLUDING EMOTIONAL DISTRESS) and EXEMPLARY DAMAGES for PERMANENT INJURY and IRREPARABLE HARM to her RIGHT to NURSE as DISABLED. A true copy of the PLAINTIFF's EVIDENCE, **EXHIBITS PX-000042, PX-000043, PX-000044, PX-000045, PX-000046, PX-000047, PX-000048, PX-000050, PX-000052**, are filed with the Court, and is incorporated by reference herein and attached hereto as: **PX-000042 (EXHIBIT 78-ECF 149) – COPY OF JULY 6, 2021 LAS VEGAS COLLEGE NEW NURSING STUDENT ORIENTATION PACKET⁸ WELCOME PAGE, PX-000042 (a) (EXHIBIT 78-ECF 149) STUDENT HANDBOOKS PAGE, PX-000042 (b) (EXHIBIT 78-ECF 149) CLINICAL AND SIMULATION DRESS CODE PAGE, PX-000043 (EXHIBIT 75-ECF 149) – COPY OF 2021 LAS VEGAS COLLEGE STUDENT HANDBOOK SECTION VI: STUDENT CONDUCT & OTHER POLICIES, PX-000044 (EXHIBIT 32-ECF 149) – COPY OF PLAINTIFF REQUESTING A RESOLUTION FROM A HOSTILE EDUCATIONAL ENVIRONMENT EMAIL TO SAL YOUNIS (MIKHAIL EDUCATION CORPORATION VICE-PRESIDENT), PX-000045 (EXHIBIT 30-ECF 149) – COPY OF PLAINTIFF PLEADING FOR RELIEF FROM HARASSMENT WHILE AT JR. OLYMICS EMAIL, PX-000046 (EXHIBIT 22-ECF 149) – COPY OF PLAINTIFF 5:30 AM EX PARTE COMMUNICATION**

COMPLAINT EMAIL TO SAL YOUNIS (MIKHAIL EDUCATION CORPORATION VICE-PRESIDENT), PX-000047 (EXHIBIT 31-ECF 149) – COPY OF PLAINTIFF ≈ JULY 23, 2022 PLEADING FOR RELIEF FROM A HOSTILE EDUCATIONAL ENVIRONMENT EMAIL TO SAL YOUNIS (MIKHAIL EDUCATION CORPORATION VICE-PRESIDENT), PX-000048 (EXHIBIT 21-ECF 149) – COPY OF SAL YOUNIS (MIKHAIL EDUCATION CORPORATION VICE-PRESIDENT) BREAKING THIRD-PARTY NEUTRALITY AND ENDORSING DISCRIMINATORY POLICY CHANGE EMAIL, PX-000049 (EXHIBIT 50-ECF 149) – COPY OF SAL YOUNIS (MIKHAIL EDUCATION CORPORATION VICE-PRESIDENT) “PLEASE NOTE I DO NOT INTERFERE IN THE ACADEMIC DECISIONS OF OUR ACADEMIC DIRECTORS” EMAIL, PX-000050 (EXHIBIT 29-ECF 149) – COPY OF PLAINTIFF BEESEECHING RELIEF FROM HARASSMENT IN AN EDUCATIONAL ENVIRONMENT EMAIL TO SAL YOUNIS (MIKHAIL EDUCATION CORPORATION VICE-PRESIDENT), PX-000051 (EXHIBIT 51-ECF 149) – COPY OF SAL YOUNIS (MIKHAIL EDUCATION CORPORATION VICE-PRESIDENT) IMPERIOUS RESPONSE EMAIL TO PLAINTIFF, PX-000052 (EXHIBIT 23-ECF 149) – COPY OF SAL YOUNIS (MIKHAIL EDUCATION CORPORATION VICE-PRESIDENT) ILLEGAL TITLE IX INVESTIGATION REPORT EMAILED TO PLAINTIFF ON AUGUST 11, 2022.

34. NEVADA EDUCATION CORPORATION dba LAS VEGAS COLLEGE and MIKHAIL EDUCATION CORPORATION violated **29 U.S.C. § 794 (10 CFR 4 § A, 10 CFR 4 § B) 504 of The Rehabilitation Act of 1973** and **42 U.S.C. § 2000d (34 C.F.R. §104.61, 34 C.F.R. § 100.7(e))¹³ Title VI of the Civil Rights Act of 1964/ 2000, CLAIM VI – WRONGFUL REMOVAL OF A QUALIFIED DISABLED STUDENT FROM AN EDUCATIONAL PROGRAM RECEIVING FEDERAL FUNDING AND FALSIFICATION OF EDUCATIONAL RECORDS IN RETALIATION**, prohibited under **504** and **TITLE VI**, that entitles the PLAINTIFF to **sue** for **COMPENSATORY (INCLUDING EMOTIONAL DISTRESS) and EXEMPLARY DAMAGES** for **PERMANENT INJURY and IRREPARABLE HARM** to her **RIGHT to NURSE as DISABLED**. A true copy of the PLAINTIFF's EVIDENCE, **EXHIBITS PX-000053, PX-000054, PX-000055, PX-000056, PX-000057**, are filed with the Court, and is incorporated by reference herein and attached hereto as: **PX-000053 (EXHIBIT 52-ECF 149) – AUGUST 3, 2022 BOB ALLEN EMAIL CONTAINING TERMINATION LETTER AND SETTLEMENT OFFER TO PLAINTIFF, PX-000054 (EXHIBIT 53-ECF 149) – PLAINTIFF AUGUST 3, 2022 TERMINATION LETTER AND SETTLEMENT OFFER, PX-000055 (EXHIBIT 57-ECF 149) – FALSIFIED OFFICIAL LAS VEGAS COLLEGE TRANSCRIPT, PX-000056 (EXHIBIT 65-**

¹³ EXHIBIT 71 – EXECUTIVE ORDER 13160 INCLUDING DISABILITY DISCRIMINATION UNDER TITLE VI.

ECF 149) – PLAINTIFF OFFICIAL AND FALSIFIED UNIVERSITY OF SOUTHERN CALIFORNIA TRANSCRIPT WITH MAY 1994 GRADUATION SLEEVE INSERT & USC AFRICAN AMERICAN GRADUATION PAMPHLET, PX-000056 (a) (EXHIBIT 59-ECF 149) – SCAN OF PLAINTIFF OFFICIAL MAY 1994 GRADUATION PLAQUE, PX-000056 (b) (EXHIBIT 60-ECF 149) – SCAN OF PLAINTIFF OFFICIAL MAY 1994 UNIVERSITY OF SOUTHERN CALIFORNIA GRADUATION SLEEVE, PX-000057 (EXHIBIT 65-ECF 149) – PLAINTIFF FRAUDULENT WITHDRAWAL PAPERWORK FROM LAS VEGAS COLLEGE.

35. NEVADA EDUCATION CORPORATION dba LAS VEGAS COLLEGE and MIKHAIL EDUCATION CORPORATION violated 42 U.S.C. § 2000d (34 C.F.R. §104.61, 34 C.F.R. § 100.7(e))¹⁴ *Title VI of the Civil Rights Act of 1964/ 2000*, CLAIM VII – VICTIMIZATION AND DEPRIVATION OF RIGHTS OF DISABLED FOR SEEKING JUSTICE IN OCR CASE NO. 10222173 & FEDERAL CIVIL CASE 2:24-cv-01589-RFB-EJY, prohibited under TITLE VI, that entitles the PLAINTIFF to sue for COMPENSATORY (INCLUDING EMOTIONAL DISTRESS) and EXEMPLARY DAMAGES for PERMANENT INJURY and IRREPARABLE HARM to her RIGHT to NURSE as DISABLED. A true copy of the PLAINTIFF’s EVIDENCE, EXHIBITS PX-000058, PX-000059, PX-000060, PX-000061, PX-000062, PX-000063, PX-000064,

¹⁴ EXHIBIT 71 – EXECUTIVE ORDER 13160 INCLUDING DISABILITY DISCRIMINATION UNDER TITLE VI.

PX-000065, PX-000066, are filed or will be filed with the Court, and is incorporated by reference herein and attached hereto as: **PX-000058 (EXHIBIT 61-ECF 149) – JANUARY 3, 2023 OFFICE FOR CIVIL RIGHTS OPEN INVESTIGATION LETTER, PX-000059 (EXHIBIT 66-ECF 149) – JUNE 25, 2024 (OCR CASE NO. 10222173) FALSIFIED FACTS & FINDINGS REPORT, PX-000060 (EXHIBIT 67-ECF 149) – JULY 16, 2024 OCR FOIA RELEASE OF PLAINTIFF APRIL 2022 BLANK AND INVALID APRIL 2022 QUEST DIAGNOSTICS DRUG-TEST-RESULT, PX-000060 (a) (EXHIBIT 68-ECF 149) – PLAINTIFF SUBSEQUENT JULY 19, 2024 FOIA REQUEST FOR ALL OCR CASE NO. 10222173 RECORDS, PX-000060 (b) (EXHIBIT 70-ECF 149) – SCAN OF OFFICE FOR CIVIL RIGHTS MANUAL (OCRM) INVESTIGATION TIMEFRAME (180-DAYS), PX-000060 (c) (EXHIBIT 70-ECF 149) – SCAN OF OCRM RETALIATION POLICY (STRICTLY PROHIBITED), PX-000061 (ECF 71) – PLAINTIFF KING SOLUTIONS RECEIPT FOR PLAINTIFF FILINGS IN CASE, PX-000061 (a), PX-000061 (b) – (ECF 128) – KING SOLUTIONS RECEIPT FOR PLAINTIFF ORIGINAL COMPLAINT FILING AND SERVICE TO DEFENDANTS, PX-000061 (c)*⁹ – 2:24-cv-01589-RFB-EJY DOCKET LISTING ECF 32, PX-000062 (ECF 87+) – PLAINTIFF 2024 SSA CLAIMANT FORM (OVER ILLEGALLY CEASED BENEFITS LETTER AND SSA DOCUMENTATION, PX-000062 (a) (ECF 87-14) – PLAINTIFF 2024 SSA**

RECONSIDERATION DETERMINATION LETTER (REINSTATEMENT), PX-000062 (b) –PLAINTIFF SSA MARCH 2025 DISABILITY DESIGNATION LETTER, PX-000062 (c) – PLAINTIFF SEPTEMBER 19, 2024 (SECOND) RECONSIDERATION REQUEST (AFTER MAY 20, 2025 RECONSIDERATION REQUEST DID NOT RECEIVE A RESPONSE), PX-000063 (ECF 98-1+) – SCREENSHOTS OF PLAINTIFF HACKED DEVICES, PX-000063 (a) (ECF 98-1) – SCREENSHOT OF PLAINTIFF CHROMEBOOK HACK NO. 1, PX-000063 (b) (ECF 98-1) – SCREENSHOT OF PLAINTIFF CHROMEBOOK HACK NO. 2, PX-000063 (c)* SCREENSHOT OF PLAINTIFF iPHONE 16 HACK NO. 1, PX-000063 (d)* SCREENSHOT OF PLAINTIFF iPHONE 16 HACK NO. 2, PX-000064*¹⁰ – PLAINTIFF UPDATED & TAMPERED NLVPD POLICE REPORT, PX-000065*¹¹ – PLAINTIFF NOVEMBER 15, 2025 FBI iC3 COMPLAINT AND EMAIL TO COURT, PX-000065* (a) PLAINTIFF OCTOBER 23, 2025 iC3 COMPLAINT, PX-000065* (b) PLAINTIFF NOVEMBER 11, 2025 iC3 COMPLAINT, PX-000065* (c) PLAINTIFF NOVEMBER 13, 2025 iC3 COMPLAINT WITH EMAIL TO COURT, PX-000066 (ECF 125) – PLAINTIFF NOTARIZED CONTRACT WITH DEFENDANTS' PRIMARY NEXUS (KIA SMITH), PX-000066 (a) (ECF 129) KIA SMITH NOTARIZED UPS LETTER.

**CLAIM FOR DISCRIMINATION, HARASSMENT,
RETALIATION, & VICTIMIZATION OF DISABLED IN A
PROGRAM RECEIVING FEDERAL FUNDING**

36. The PLAINTIFF repeats and realleges the allegations in paragraphs 1-34 as though fully set forth herein.

37. NEVADA EDUCATION CORPORATION dba LAS VEGAS COLLEGE and MIKHAIL EDUCATION CORPORATION have directly VIOLATED one or more CLAIM IN SUIT, and DEFENDANTS' have DISCRIMINATED, HARASSED, RETALIATED, & VICTIMIZED the PLAINTIFF for being DISABLED, and/ or asserting her rights as DISABLED to NOT be DISCRIMINATED for her DISABILITY. Further DISCOVERY will NOT reveal additional information tangential to the LEGAL OUTCOME of this FEDERAL CIVIL CASE (2:24-cv-01589-RFB-EJY).

38. On OCTOBER 1, 2021, DEFENDANTS entered into a legally binding agreement with the PLAINTIFF for REASONABLE ACCOMODATIONS, NOT met for READING MATERIALS or ASSIGNMENTS (course syllabi), that DEFENDANTS should have known would impact the PLAINTIFF's student performance, i.e. late homework, that was initially accommodated and then rescinded in further DISCRIMINATION & DEPRIVATION of the PLAINTIFF's EDUCATIONAL RIGHTS as DISABLED. Further DISCOVERY will NOT reveal additional information tangential to the LEGAL OUTCOME of this FEDERAL CIVIL CASE (2:24-cv-01589-RFB-EJY).

39. On FEBRUARY 14, 2022, the PLAINTIFF notified the DEFENDANTS about the DISCRIMANTION occurring against her for being DISABLED, and notified the DEFENDANTS of her medically prescribed cannabis use, that resulted in the PLAINTIFF receiving an ADMINISTRATION OVERRIDE in APRIL 2022, and subsequently returned to the Nursing Program without restriction or probation pursuant to the SUBSTSNCE ABUSE POLICY & PROCEDURES (although not an abuser but a medicinal patient). As therefore, DEFENDANTS should have given the PLAINTIFF options back in APRIL 2022 at the time of the false-positive result, if there was a policy or procedural violation occurring that was not explicitly outlined in the STUDENT HANDBOOK. Further DISCOVERY will NOT reveal additional information tangential to the LEGAL OUTCOME of this FEDERAL CIVIL CASE (2:24-cv-01589-RFB-EJY).

40. On or about March 4, 2022, AMANDA BOGNAR was DISMISSED from the Nursing Program, after incessantly acting against the PLAINTIFF under the authority of Susan Holm, that directly led to the PLAINTIFF being TERRORIZED before Amanda Bognar was DISMISSED, and DEFENDANTS should have foreseen uncontrolled behavior being plausible when DISCRIMINATION is sanctioned, and DEPRIVED the PLAINTIFF of her EDUCATIONAL RIGHTS as DISABLED. Further DISCOVERY will NOT reveal additional information tangential to the LEGAL OUTCOME of this FEDERAL CIVIL CASE (2:24-cv-01589-RFB-EJY).

41. On APRIL 11, 2022, quarter-four began and concluded July 8, 2022 (last day to enter grades), without there being any INTERVENTION of the DISCRIMINATION or

HARASSMENT occurring daily against the PLAINTIFF for being DISABLED, that DEFENDANTS should have plausibly known would happen when DISCRIMINATION was sanctioned, and directly resulted in teach faculty loss forcing Susan Holm, Program Chair, to personally teach PHARMACOLOGY I, and the remainder of FUNDAMENTALS II, quarter-three, and her brand of "Leadership" DEPRIVED the PLAINTIFF of her EDUCATIONAL RIGHTS as DISABLED. Further DISCOVERY will NOT reveal additional information tangential to the LEGAL OUTCOME of this FEDERAL CIVIL CASE (2:24-cv-01589-RFB-EJY).

42. On or about July 25, 2022, DAVID DOLBOW reached out to the PLAINTIFF asking to discuss her APRIL 18-20, 2022 FALSE-POSITIVE QUEST Diagnostics BLANK & INVALID 10-PANEL DRUG-TEST-RESULT, after ignoring the PLAINTIFF's pleas for months, and after SAL YOUNIS, took oversight of the PLAINTIFF's "Investigation" on JUNE 22, 2022, that DEPRIVED the PLAINTIFF or her EDUCATIONAL RIGHTS as DISABLED. Further DISCOVERY will NOT reveal additional information tangential to the LEGAL OUTCOME of this FEDERAL CIVIL CASE (2:24-cv-01589-RFB-EJY).

43. On AUGUST 3, 2022, the PLAINTIFF was WRONGFULLY REMOVED from LAS VEGAS Nursing Program, solely for her FALSE-POSITIVE APRIL 18-20, 2022, QUEST Diagnostics BLANK & INVALID 10-PANEL DRUG-TEST-RESULT, in RETALIATION for asserting her rights as DISABLED, and to NOT be DISCRIMINATED against as DISABLED, in violation of her EDUCATIONAL RIGHTS

as DISABLED. Further DISCOVERY will NOT reveal additional information tangential to the LEGAL OUTCOME of this FEDERAL CIVIL CASE (2:24-cv-01589-RFB-EJY).

44. On AUGUST 11, 2022, SAL YOUNIS published his illegal TITLE IX REPORT, that directly led to the PLAINTIFF filing her OFFICE FOR CIVIL RIGHTS COMPLAINT, and OCR CASE NO. 10222173 being opened on January 3, 2023, during which time the DEFENDANTS and their *Primary Nexus*, Kia Smith, COLLUSED, SUPPRESSED, FALSIFIED, & DEPRIVED the PLAINTIFF of her legal and Constitutional RIGHT to NURSE, that PERMANENTLY INJURED and IRREPARABLY HARMED the PLAINTIFF. Further DISCOVERY will NOT reveal additional information tangential to the LEGAL OUTCOME of this FEDERAL CIVIL CASE (2:24-cv-01589-RFB-EJY).

45. DEFENDANTS' acts of direct, contributory and induced DISCRIMINATION, HARASSMENT, RETALIATION, & VICTIMIZATION of the PLAINTIFF, have caused DAMAGE to PLAINTIFF, and the PLAINTIFF is entitled to recover COMPENSATORY DAMAGES (INCLUDING EMOTIONAL DISTRESS), sustained as a result of NEVADA EDUCATION CORPORATION' dba LAS VEGAS COLLEGE' and MIKHAIL EDUCATION CORPORATION' wrongful acts. Unless granted JUDGEMENT against DEFENDANTS, they will continue to cause DAMAGE to the Plaintiff and cause her IRREPARABLE HARM.

46. DEFENDANTS have known about its 504 of the Rehabilitation Act of 1973 or Title VI of the Civil Rights Act of 1964/ 2000 violations, since the OFFICE FOR CIVIL RIGHTS opened an "Investigation". Moreover, DEFENDANTS' lack justifiable belief that there are

no violations, or that the claims are invalid, and have acted with objective recklessness in violating the PLAINTIFF's RIGHTS as DISABLED during and after enrollment. NEVADA EDUCATION CORPORATION dba LAS VEGAS COLLEGE and MIKHAIL EDUCATION CORPORATION are therefore willful, and the PLAINTIFF is entitled to an award of EXEMPLARY DAMAGES, and costs in bringing this action.

PRAYER FOR RELIEF

- A. WHEREFORE, the PLAINTIFF respectfully requests that this Court enter JUDGMENT in her favor and grant the following RELIEF:
- B. Adjudge that NEVADA EDUCATION CORPORATION dba LAS VEGAS COLLEGE and MIKHAIL EDUCATION CORPORATION violated the PLAINTIFF's RIGHTS as DISABLED for **CLAIM I – FAILURE TO REASONABLY ACCOMMODATE A QUALIFIED DISABLED STUDENT IN AN EDUCATIONAL PROGRAM RECEIVING FEDERAL FUNDING**, directly under **29 U.S.C. § 794 (10 CFR 4 § A, 10 CFR 4 § B) 504 of The Rehabilitation Act of 1973**;
- C. Adjudge that NEVADA EDUCATION CORPORATION dba LAS VEGAS COLLEGE and MIKHAIL EDUCATION CORPORATION violated the PLAINTIFF's RIGHTS as DISABLED for **CLAIM II – FAILURE TO HAVE A DISABILITY ADMINISTRATOR AVAILBLE TO DISABLED STUDENTS IN AN EDUCATIONAL PROGRAM RECEIVING FEDERAL FUNDING**, directly under **29 U.S.C. § 794 (10 CFR 4 § A, 10 CFR 4 § B) 504 of The Rehabilitation Act of 1973**;
- D. Adjudge that NEVADA EDUCATION CORPORATION dba LAS VEGAS COLLEGE and MIKHAIL EDUCATION CORPORATION violated the PLAINTIFF's RIGHTS as DISABLED for **CLAIM III – FAILURE TO PREVENT ESCALATION TO INTENTIONAL DISCRIMINATION AND CREATION OF A HOSTILE EDUCATIONAL ENVIRONMENT AGAINST THE DISABLED DUE TO**

DELIBERATE INDIFFERENCE IN AN EDUCATIONAL PROGRAM RECEIVING FEDERAL FUNDING, directly under **42 U.S.C. § 2000d (34 C.F.R. §104.61, 34 C.F.R. § 100.7(e)) Title VI of the Civil Rights Act of 1964/ 2000;**

E. Adjudge that NEVADA EDUCATION CORPORATION dba LAS VEGAS COLLEGE and MIKHAIL EDUCATION CORPORATION violated the PLAINTIFF's RIGHTS as DISABLED for **CLAIM IV – FAILURE TO PREVENT DISCRIMINATORY POLICY CHANGES AGAINST THE DISABLED IN AN EDUCATIONAL PROGRAM RECEIVING FEDERAL FUNDING**, directly under **29 U.S.C. § 794 (10 CFR 4 § A, 10 CFR 4 § B) 504 of The Rehabilitation Act of 1973 and 42 U.S.C. § 2000d (34 C.F.R. §104.61, 34 C.F.R. § 100.7(e)) Title VI of the Civil Rights Act of 1964/ 2000;**

F. Adjudge that NEVADA EDUCATION CORPORATION dba LAS VEGAS COLLEGE and MIKHAIL EDUCATION CORPORATION violated the PLAINTIFF's RIGHTS as DISABLED for **CLAIM V – FAILURE TO PREVENT DEPRIVATION OF EDUCATIONAL RIGHTS OF THE DISABLED IN AN EDUCATIONAL PROGRAM RECEIVING FEDERAL FUNDING**, directly under **29 U.S.C. § 794 (10 CFR 4 § A, 10 CFR 4 § B) 504 of The Rehabilitation Act of 1973 and 42 U.S.C. § 2000d (34 C.F.R. §104.61, 34 C.F.R. § 100.7(e)) Title VI of the Civil Rights Act of 1964/ 2000;**

G. Adjudge that NEVADA EDUCATION CORPORATION dba LAS VEGAS COLLEGE and MIKHAIL EDUCATION CORPORATION violated the PLAINTIFF's RIGHTS as DISABLED for **CLAIM VI – WRONGFUL REMOVAL OF A QUALIFIED DISABLED STUDENT FROM AN EDUCATIONAL PROGRAM RECEIVING**

FEDERAL FUNDING AND FALSIFICATION OF EDUCATIONAL RECORDS IN RETALIATION, directly under **29 U.S.C. § 794 (10 CFR 4 § A, 10 CFR 4 § B) 504 of The Rehabilitation Act of 1973** and **42 U.S.C. § 2000d (34 C.F.R. §104.61, 34 C.F.R. § 100.7(e)) Title VI of the Civil Rights Act of 1964/ 2000;**

H. Adjudge that NEVADA EDUCATION CORPORATION dba LAS VEGAS COLLEGE and MIKHAIL EDUCATION CORPORATION violated the PLAINTIFF's RIGHTS as DISABLED for **CLAIM VII – VICTIMIZATION AND DEPRIVATION OF RIGHTS OF DISABLED** FOR SEEKING JUSTICE IN OCR CASE NO. 10222173 & FEDERAL CIVIL CASE 2:24-cv-01589-RFB-EJY, directly under **42 U.S.C. § 2000d (34 C.F.R. §104.61, 34 C.F.R. § 100.7(e)) Title VI of the Civil Rights Act of 1964/ 2000;**

I. Award the PLAINTIFF damages in an amount included in SPECIAL DAMAGES DISCLOSURE (ATTACHMENT A) to compensate her for NEVADA EDUCATION CORPORATION' dba LAS VEGAS COLLEGE' and MIKHAIL EDUCATION CORPORATION' violation of the PLAINTIFF's RIGHTS as DISABLED for **CLAIM I – FAILURE TO REASONABLY ACCOMMODATE A QUALIFIED DISABLED STUDENT IN AN EDUCATIONAL PROGRAM RECEIVING FEDERAL FUNDING**, directly under **29 U.S.C. § 794 (10 CFR 4 § A, 10 CFR 4 § B) 504 of The Rehabilitation Act of 1973;**

J. Award the PLAINTIFF damages in an amount included in SPECIAL DAMAGES DISCLOSURE (ATTACHMENT A) to compensate her for NEVADA EDUCATION CORPORATION' dba LAS VEGAS COLLEGE' and MIKHAIL EDUCATION

CORPORATION' violation of the PLAINTIFF's RIGHTS as DISABLED for **CLAIM II** – FAILURE TO HAVE A DISABILITY ADMINISTRATOR AVAILABLE TO DISABLED STUDENTS IN AN EDUCATIONAL PROGRAM RECEIVING FEDERAL FUNDING, directly under **29 U.S.C. § 794 (10 CFR 4 § A, 10 CFR 4 § B) 504 of The Rehabilitation Act of 1973**;

K. Award the PLAINTIFF damages in an amount included in SPECIAL DAMAGES DISCLOSURE (ATTACHMENT A) to compensate her for NEVADA EDUCATION CORPORATION' dba LAS VEGAS COLLEGE' and MIKHAIL EDUCATION CORPORATION' violation of the PLAINTIFF's RIGHTS as DISABLED for **CLAIM III** – FAILURE TO PREVENT ESCALATION TO INTENTIONAL DISCRIMINATION AND CREATION OF A HOSTILE EDUCATIONAL ENVIRONMENT AGAINST THE DISABLED DUE TO DELIBERATE INDIFFERENCE IN AN EDUCATIONAL PROGRAM RECEIVING FEDERAL FUNDING, directly under **42 U.S.C. § 2000d (34 C.F.R. §104.61, 34 C.F.R. § 100.7(e)) Title VI of the Civil Rights Act of 1964/ 2000**;

L. Award the PLAINTIFF damages in an amount included in SPECIAL DAMAGES DISCLOSURE (ATTACHMENT A) to compensate her for NEVADA EDUCATION CORPORATION' dba LAS VEGAS COLLEGE' and MIKHAIL EDUCATION CORPORATION' violation of the PLAINTIFF's RIGHTS as DISABLED for **CLAIM IV** – FAILURE TO PREVENT DISCRIMINATORY POLICY CHANGES AGAINST THE DISABLED IN AN EDUCATIONAL PROGRAM RECEIVING FEDERAL FUNDING, directly under **29 U.S.C. § 794 (10 CFR 4 § A, 10 CFR 4 § B) 504 of The Rehabilitation**

Act of 1973 and 42 U.S.C. § 2000d (34 C.F.R. §104.61, 34 C.F.R. § 100.7(e)) Title VI of the Civil Rights Act of 1964/ 2000;

M. Award the PLAINTIFF damages in an amount included in SPECIAL DAMAGES DISCLOSURE (ATTACHMENT A) to compensate her for NEVADA EDUCATION CORPORATION' dba LAS VEGAS COLLEGE' and MIKHAIL EDUCATION CORPORATION' violation of the PLAINTIFF's RIGHTS as DISABLED for **CLAIM V** – FAILURE TO PREVENT DEPRIVATION OF EDUCATIONAL RIGHTS OF THE DISABLED IN AN EDUCATIONAL PROGRAM RECEIVING FEDERAL FUNDING, directly under **29 U.S.C. § 794 (10 CFR 4 § A, 10 CFR 4 § B) 504 of The Rehabilitation Act of 1973 and 42 U.S.C. § 2000d (34 C.F.R. §104.61, 34 C.F.R. § 100.7(e)) Title VI of the Civil Rights Act of 1964/ 2000;**

N. Award the PLAINTIFF damages in an amount included in SPECIAL DAMAGES DISCLOSURE (ATTACHMENT A) to compensate her for NEVADA EDUCATION CORPORATION' dba LAS VEGAS COLLEGE' and MIKHAIL EDUCATION CORPORATION' violation of the PLAINTIFF's RIGHTS as DISABLED for **CLAIM VI** – **WRONGFUL REMOVAL OF A QUALIFIED DISABLED STUDENT FROM AN EDUCATIONAL PROGRAM RECEIVING FEDERAL FUNDING AND FALSIFICATION OF EDUCATIONAL RECORDS IN RETALIATION**, directly under **29 U.S.C. § 794 (10 CFR 4 § A, 10 CFR 4 § B) 504 of The Rehabilitation Act of 1973 and 42 U.S.C. § 2000d (34 C.F.R. §104.61, 34 C.F.R. § 100.7(e)) Title VI of the Civil Rights Act of 1964/ 2000;**

- O. Award the PLAINTIFF damages in an amount included in SPECIAL DAMAGES DISCLOSURE (ATTACHMENT A) to compensate her for NEVADA EDUCATION CORPORATION' dba LAS VEGAS COLLEGE' and MIKHAIL EDUCATION CORPORATION' violation of the PLAINTIFF's RIGHTS as DISABLED for **CLAIM VII – VICTIMIZATION AND DEPRIVATION OF RIGHTS OF DISABLED FOR SEEKING JUSTICE** IN OCR CASE NO. 10222173 & FEDERAL CIVIL CASE 2:24-cv-01589-RFB-EJY, directly under **42 U.S.C. § 2000d (34 C.F.R. §104.61, 34 C.F.R. § 100.7(e)) Title VI of the Civil Rights Act of 1964/ 2000;**
- P. Award ENHANCED DAMAGES (NRS 42.005), by reason of NEVADA EDUCATION CORPORATION' dba LAS VEGAS COLLEGE' and MIKHAIL EDUCATION CORPORATION' willful violation of the PLAINTIFF's RIGHTS as DISABLED pursuant to **29 U.S.C. § 794 (10 CFR 4 § A, 10 CFR 4 § B) 504 of The Rehabilitation Act of 1973** and **42 U.S.C. § 2000d (34 C.F.R. §104.61, 34 C.F.R. § 100.7(e)) Title VI of the Civil Rights Act of 1964/ 2000;**
- Q. Award the PLAINTIFF pre-judgment and post-judgment interest to the full extent allowed under the law, as well as its costs (NRS 18.020);
- R. Enter an order finding that this is an EXCEPTIONAL case and awarding the PLAINTIFF her reasonable fees in propria persona, pursuant to 35 U.S.C. § 285;
- S. Award an accounting for DAMAGES;
- T. Award for such other RELIEF as the Court, may deem appropriate and just under the circumstances.

Dated: Tuesday, October 21st,2025

Respectfully Submitted:

By /s/ Genay L. Amerson

Genay. L. Amerson

1412 Dragonfly Ranch Lane

North Las Vegas, NV, 89081

Email: rshante1985@gmail.com

In propria persona

**SIGNATURE OF THIS DOCUMENT CERTIFIES THAT A COPY WAS SERVED TO THE
PERSONS NAMED BELOW AND, ON THE DATE, INDICATED AND BY E-FILING.**

PERSON	SERVED	PARTY DATE
Karl A. Schweikert	LAS VEGAS COLLEGE ET AL	October 21, 2025
Cody S. Munteer, Esq.	PETER MIKHAIL	October 21, 2025
Summer Johnson	(INDEPENDENT PARTY)	October 21, 2025

1
2
3
4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**

6 * * *

7 GENAY L. AMERSON

8 Plaintiff,

9 v.

10 LAS VEGAS COLLEGE, *et al.*,

11 Defendants.
12

Case No. 2:24-cv-01589-RFB-EJY

DISMISSAL ORDER

13 Throughout the course of this litigation, Plaintiff Genay L. Amerson has repeatedly
14 attempted to engage in *ex parte*—or otherwise improper—communications with this Court.
15 Consequently, on September 9, 2025, the Court warned Ms. Amerson that her conduct was
16 inappropriate; furthermore, the Court advised Ms. Amerson that further attempts to improperly
17 contact—or inappropriately interact with—Court personnel could result in case-dispositive
18 sanctions. See ECF No. 159 (minute order) (“If Plaintiff seeks to contact chambers again in
19 violation of this order, the Court will impose sanctions. These sanctions can include . . . case-
20 dispositive sanctions.”). Since then, Ms. Amerson has ignored the Court’s warning. Instead, she
21 has incessantly attempted to contact Chambers staff, and she has engaged in disrespectful behavior
22 toward Court personnel. Based on Plaintiff’s own actions, the Court finds that dismissal is
23 appropriate at this time.

24
25 **I. BACKGROUND**

26 Initially, the Court briefly outlines some of Plaintiff’s attempts to engage in *ex parte*
27 communications in spite of the Court’s September 9, 2025, Order.

28 On Friday, September 26, 2025, Ms. Amerson called Chambers to demand the expedited

1 consideration of one of her motions. See ECF No. 186 at 4. As is customary, Ms. Amerson was
2 told that her motion was pending before the Court and that it would be reviewed in due course.
3 Dissatisfied, Ms. Amerson re-dialed. Once again, she was told that her motion would be reviewed
4 in due course; furthermore, Ms. Amerson was also advised that Chambers could not engage in *ex*
5 *parte* communications with her. Ms. Amerson covertly recorded this conversation in spite of
6 Nevada law. See ECF No. 186; see also NEV. REV. STAT. ANN. § 200.650 (West 2025).

7 On December 29, 2025, Ms. Amerson approached the Clerk of Court's office at the Lloyd
8 D. George United States Courthouse to submit evidence. While there, Ms. Amerson argued with
9 court staff and recorded her interactions within the building. Eventually, she demanded to speak
10 with the Clerk's supervisor. Ms. Amerson was escorted from the building by the United States
11 Marshals Service.

12 From December 29, 2025, through December 30, 2025, Ms. Amerson called Chambers a
13 total of *thirteen times*. Amongst other things, she demanded that this Court "do its job." Since then,
14 Ms. Amerson has continued to contact Chambers on a regular, *ex parte* basis with an ever-growing
15 slew of demands. Despite repeated warnings, she has continued to call Chambers on an almost
16 daily basis for the past month-and-a-half.

17 The Court notes that these incidents are merely a sampling of Ms. Amerson's attempts to
18 engage in *ex parte* communications with Chambers.

19 20 **II. LEGAL STANDARD**

21 This Court has the inherent authority to dismiss a case when a plaintiff violates its order(s).
22 See Thompson v. Hous. Auth. of L.A., 782 F.2d 829, 831 (9th Cir. 1986) ("We have repeatedly
23 upheld . . . dismissal for failure to comply with . . . court orders.") (citations omitted). "Federal
24 courts possess certain 'inherent powers,' not conferred by rule or statute, 'to manage their own
25 affairs so as to achieve the orderly and expeditious disposition of cases.'" Am. Unites for Kids v.
26 Rousseau, 985 F.3d 1075, 1088 (9th Cir. 2021) (quoting Goodyear Tire & Rubber Co. v. Haeger,
27 581 U.S. 101, 107 (2017)). Through these powers, district courts have "the ability to fashion an
28 appropriate sanction for conduct which abuses the judicial process." Goodyear Tire & Rubber Co.,

1 581 U.S. at 107 (citation and quotation marks omitted). For instance, a “district court may, among
 2 other things, *dismiss a case in its entirety*, bar witnesses, exclude other evidence, award attorneys’
 3 fees, or assess fines.” Am. Unites for Kids, 985 F.3d at 1088 (citation omitted) (emphasis added).

4 Of course, this Court’s inherent powers are not limitless; they do not supply *carte blanche*
 5 authority to sanction parties. Instead, these powers are subject to judicial constraints, which have
 6 been crafted by the federal courts over time. First and foremost, a district court must find that a
 7 party willfully violated its order(s), or acted in bad faith, to sanction the party based on the court’s
 8 inherent powers. See id. at 1090 (citation omitted).

9 Assuming that a district court makes this threshold finding, it should not dismiss the party’s
 10 case unless the case presents “*extreme circumstances*” that satisfy certain criteria established by
 11 the Ninth Circuit Court of Appeals. See Hernandez v. City of El Monte, 138 F.3d 393, 399 (9th
 12 Cir. 1998). Specifically, this Court must consider five factors (“Dispositive Sanction Factors”)
 13 “before resorting to the penalty of dismissal: (1) the public’s interest in expeditious resolution of
 14 litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4)
 15 the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic
 16 sanctions.” Id. (citation and quotation marks omitted); see also Thompson, 782 F.2d at 831. When
 17 a district court is considering a *sua sponte* dismissal, it must place “special focus on considerations
 18 relating to the fifth [] factor.” Hernandez, 138 F.3d at 399 (citation omitted).

19 20 **III. DISCUSSION**

21 As a threshold matter, the Court finds that Ms. Amerson has willfully violated its prior
 22 order because she has continuously contacted Chambers in an *ex parte*—and improper—manner.
 23 See ECF No. 159 (minute order expressly prohibiting Plaintiff from engaging in *ex parte*
 24 communications with Chambers staff).

25 Next, the Court concludes that Ms. Amerson’s case should be dismissed because all but
 26 one of the Dispositive Sanction Factors weigh in favor of dismissal.

27 First, the Court finds that the public’s interest in the expeditious resolution of this litigation
 28 and the Court’s need to manage its own docket both weigh in favor of dismissal. See Adriana Int’l

1 Corp. v. Thoeren, 913 F.2d 1406, 1412 (9th Cir. 1990) (“Where a court order is violated, [these]
 2 first two factors support sanctions . . .”). After all, Ms. Amerson’s incessant *ex parte*
 3 communications with Chambers squander court resources, delay the swift resolution of her case,
 4 and disrupt this Court’s ability to manage its own affairs.

5 Similarly, the Court finds that the risk of prejudice to Defendants also weighs in favor of
 6 dismissal. “In determining whether a defendant has been prejudiced, [this Court] examines
 7 whether the plaintiff’s actions impair the defendant’s ability to go to trial or threaten to interfere
 8 with the rightful decision of the case.” Malone v. U.S. Postal Serv., 833 F.2d 128, 131 (9th Cir.
 9 1987) (citation omitted); see also Hernandez v. City of El Monte, 138 F.3d 393, 399 (9th Cir. 1998)
 10 (same). Ms. Amerson’s course of conduct undoubtedly threatens to interfere with the disposition
 11 of this case. Put simply, *ex parte* communications are almost always inappropriate because they
 12 undermine the apparent, and sometimes actual, neutrality of a tribunal. See Guenther v. C.I.R., 889
 13 F.2d 882, 884 (9th Cir. 1989) (citations omitted) [hereinafter, “Guenther I”]. Accordingly, they
 14 can create a constitutional violation that invalidates a court’s proceedings. See Guenther v. C.I.R.,
 15 939 F.2d 758, 760–62 (9th Cir. 1991) (citations omitted) [hereinafter, “Guenther II”]. Therefore,
 16 Ms. Amerson’s ongoing attempts to engage in *ex parte* contact with this Court threaten to implode
 17 these proceedings, even though Defendants have spent well over a year litigating this case.

18 The Court also finds that less drastic sanctions are not available in this case, such that the
 19 fifth factor weighs in favor of dismissal. To recap, the Court has already advised Ms. Amerson
 20 that *ex parte* communications are wholly inappropriate. The Court has already ordered Ms.
 21 Amerson to stop attempting to communicate with Chambers in an *ex parte* fashion. And the Court
 22 has already warned Ms. Amerson that further attempts to contact Chambers outside of the docket
 23 would result in severe, case-dispositive sanctions. Nonetheless, Ms. Amerson has continuously
 24 attempted to engage in *ex parte* communications with this Court. At this juncture, the Court has
 25 few options left. It could enter a second order that, once again, prohibits Ms. Amerson from
 26 contacting Chambers outside of the docket. But the reality of repeating an ignored order is that it
 27 only delays the inevitable. Since this Court does not have to exhaust every conceivable sanction
 28 before finally dismissing a case, the Court concludes that there are no “possible and meaningful

1 alternatives” to dismissal. See Henderson v. Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986) (citation
2 omitted).

3 Finally, although the public policy favoring the disposition of cases on their merits cuts
4 against dismissal, the Court finds that it is greatly outweighed by the factors favoring dismissal.

5 In sum, Ms. Amerson has willfully violated this Court’s prior order. The Dispositive
6 Sanction Factors weigh in favor of dismissal. Accordingly, the Court invokes its inherent powers
7 to dismiss Ms. Amerson’s case.

8
9 **IV. CONCLUSION**

10 Therefore, **IT IS HEREBY ORDERED** this case is **DISMISSED** with prejudice.

11 **IT IS FURTHER ORDERED** all pending motions (ECF Nos. 109, 158, 160, 162, 164,
12 165, 166, 168, 174, 176, 177, 180, 188, 208, 218, 223, 224, 227, 239, 242) are **DENIED** as moot.

13 The Clerk of Court is kindly directed to enter judgment accordingly and close this case. No
14 other documents may be filed in this now closed case.

15
16 **DATED:** February 9, 2026.

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RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Genay L Amerson

Plaintiff,

v.

Las Vegas College, et al

JUDGMENT IN A CIVIL CASE

Case Number: 2:24-cv-01589-RFB-EJY

Defendants.

___ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

___ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

X **Decision by Court.** This action came for consideration before the Court. The issues have been considered and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

JUDGMENT entered in favor of Defendants Nevada Education Corporation, Mikhail Education Corporation, and against Plaintiff Genay L Amerson with prejudice.

02/09/2026

Date

DEBRA K. KEMPI

Clerk



/s/MAM

Deputy Clerk

☒ FILED	☐ RECEIVED
☐ ENTERED	☐ SERVED ON
COUNSEL/PARTIES OF RECORD	
FEB 12 2026	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY  DEPUTY	

IN THE CLARK COUNTY JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CLARK COUNTY

GENAY L. AMERSON (PLAINTIFF)	
APPELLANT,	
vs.	District Court Case No. 24-cv-01589-RFB-EJY
NEVADA EDUCATION CORPORATION DBA LAS VEGAS COLLEGE AND MIKHAIL EDUCATION CORPORATION (PLAINTIFF)	Dept. No. 0
RESPONDENT,	

NOTICE OF APPEAL

Notice is hereby given that Genay L. Amerson (Plaintiff) above named, hereby appeals to the Supreme Court of Nevada from the DISMISSAL ORDER (ECF 249, ECF 250) entered in this action on February 11, 2026.

DATED this 2/12/2026



/s/Genay L. Amerson
Genay L. Amerson
1412 DRAGONFLY RANCH LANE, NORTH
LAS VEGAS, NV 89081
(702) 303-5599
rshante1985@gmail.com

Last updated 08/2024

CERTIFICATE OF SERVICE

I certify that on the date indicated below, I served a copy of this Notice of Appeal upon all parties as follows:

☒ By electronic service:

If served other than through the court's electronic filing system, enter the email address of the parties served by this means and attach a copy of that party's written consent authorizing service by this means. See NRAP 25(c)(2)

☐ By personally serving it upon him/her

☐ By mailing it by first-class mail with sufficient postage prepaid to the following address(es):

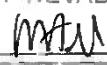
DATED this February 12, 2026

/S/Genay L. Amerson
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Last updated 08/2024

2:24-cv-01589-RFB-EJY

GENAY L. AMERSON
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702-303-5599
n Propria Persona

☒ FILED	☐ RECEIVED
☐ ENTERED	☐ SERVED ON
COUNSEL/PARTIES OF RECORD	
FEB 12 2026	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: 	DEPUTY

NINTH DISTRICT COURT OF APPEALS

Genay L. Amerson, an Individual;
vs.
Nevada Education Corporation dba
Las Vegas College; Mikhail Education
Corporation; Does 1-100; jointly and severally,
Defendants.

CASE 2:24-cv-01589-RFB-EJY

**EMERGENCY MOTION FOR
APPEAL OF DISMISSAL
ORDER (ECF 249, ECF 250)
UNDER NRAP 27(e)**

Emergency Motion Under NRAP 27(e) for Appeal of Dismissal Order by Judge Richard F. Boulware, II, in Federal Case 2:24-cv-01589- RFB-EJY

As the Plaintiff, in propria persona, in Federal Civil Case 2:24-cv-01589-RFB-EJY, I am filing this EMERGENCY Motion for Appeal under NRAP 27(e), with great urgency, after Nellis Air Force Base, their equipment, and weaponry have been conscripted by the Defendants, Primary Nexus, Kia Antionetta Smith, to cause my death by radiation poisoning (symptoms include skin burning and muscle pain), filed to the CDC under Case CDC-3510352-B3Y3B3, that qualifies her and her associates for immediate imprisonment.

1 of 6

EMERGENCY MOTION UNDER NRAP 27(e) APPEALING DISMISSAL ORDER (ECF 249, ECF 250) AS
UNCONSTITUTIONAL
Case No. 26-5619 Amerson v. Nev. Educ. Corp. Appendix- Page 105

Bio.App.105a

I am Appealing Judge Richard F. Boulware's DISMISSAL ORDER (ECF 249, ECF 250) as being UNCONSTITUTIONAL, in violation of my 5th and 14th Amendment Rights to DUE PROCESS, FAIR PROCEEDINGS, and EQUAL PROTECTION of the LAW.

On February 9, 2026, I filed both an Appeal of a state case decision and an Amended EX PARTE Motion for SUMMARY JUDGEMENT and a ruling on recusal by an EMERGENCY Hearing to legally conclude this case (ECF 248).

On February 10, 2026, after Chambers made it clear they would not file my EX PARTE Motion (ECF 248) for Judgments on my Third Amended Complaint (ECF 217, ECF 219), Permanent Injunction Motion (ECF 244, ECF 244-1), and Refusal of Recusal Order Appeal (February 5, 2026 – 26TPN000009); I self-filed the documents to the ECF system contained under ECF 248 (Amended Motion for Judgements by EMERGENCY Hearing, the Proposed Hearing Order, Declaration, Appeal of Judge Harris Refusal Of Recusal in State Case 26TPN000009 under Supplement, and three EXHIBITS consisting exclusively of correspondences with all parties (the Court, Defendants, and the Department of Justice monitoring this case).

At the time of Judge Boulware's unconstitutional DISMISSAL ORDER (ECF 249, ECF 250), my Third Amended Complaint (ECF 217, ECF 219) was pending a GRANT or DENY from the Court regarding my original EX PARTE Motion (incorrectly listed as a second motion) for Judgements by EMERGENCY Hearing (ECF 224 – Sealed by the Court) to rule on Summary Judgement, as it had been established by Court Order 189, that

2 of 6

EMERGENCY MOTION UNDER NRAP 27(e) APPEALING DISMISSAL ORDER (ECF 249, ECF 250) AS
UNCONSTITUTIONAL

Case No. 26-5619

Amerson v. Nev. Educ. Corp.

Appendix- Page 106

there was no genuine dispute of the facts and ruled Defendants Nevada Education Corporation dba Las Vegas College and Mikhail Education Corporation included, in addition to ruling all 504 of the Rehabilitation Act of 1973 and Title VI of the Civil Rights Act of 1964/2000 included.

Judge Boulware's DISMISSAL ORDER (ECF 249, ECF 250) cites the reason for his blanket dismissal was that I had ex parte communications with Court, without providing any incidence of any ex parte communication subsequent to his written warning (ECF 159), that arose from a plain error mistake I made as someone new to the law and litigation.

Additionally, contrary to Judge Boulware's statement that "I was in agreement" with the Federal Clerks, I filed a complaint of Harassment and Intimidation with Judge Boulware, the Defendants, and the Department of Justice, after the Clerks created a discriminatory policy change and refused my filings and then had Marshalls escort me out of the Clerk's Office after admission of an audio recording of their harassment and discriminatory treatments that were ongoing towards me throughout my encounters with them self-representing myself in this case (See ATTACHMENT B –PERMANENT INJUNCTION under ECF 244 and ECF 244-1 (P.I. Exhibits misfiled under cover sheets). Please review video and audio of cited consecutive incidents to assess whether the Clerks were following policy and procedure or made a discriminatory revision.

This is the second occurrence of the Defendants and their Primary Nexus, Kia Antionetta Smith, colluding with government officials to escape liability in a case (See

OCR Case 10222173), while it has been established that she has orchestrated attempts on my life, caused injury to myself and my family, and continues to presentation to oppress, harass, illegally wiretap, illegally record, cyber-stalk, and surveil me 24/7 that is tantamount to enslavement to ensure the Defendants escape liability once again.

Therefore, I respectfully request the Ninth District Court of Appeals make final rulings under this EMERGENCY Motion pursuant to NRAP 27(e) on:

1. Appeal of DISMISSAL Order based on unconstitutionality and lack of evidence of ex parte communications occurring after ECF 159, to support the Judge's allegation.
2. Appeal of Refusal of Recusal by Judge Belinda T. Harris in Nevada State Case 26TPN000009, and a final ruling on the request for a two-year TPO, including 1200 feet circumference from myself and family, from Kia Antionetta Smith, et al, after Judge Harris unconstitutionally stayed over her issuance of any TPO for 60 days (Please review video and audio of February 5, 2026 10:00 AM Hearing, for ex parte communications between Judge Harris, and the adverse party and Primary Nexus in this case, Kia Antionetta Smith).
3. Summary Judgements on TAC (ECF 217, ECF 219) and Permanent Injunction (ECF 244, ECF 244-1).

2:24-cv-01589-RFB-EJY

4. Review of Special Damages Disclosure (ATTACHMENT A), the EXHIBIT LIST (ATTACHMENT C) and my Notarized Affidavit (ATTACHMENT C), all contained under ECF 217.
5. Request verification of warrants for August 2024 to presentation being issued to NLVPD for wiretaps of myself and family or request issuing of an order to immediately remove all wiretaps and seize all recordings.

Dated: Thursday, February 12th, 2026

Respectfully Submitted:

By /s/ Genay L. Amerson
Genay. L. Amerson
1412 Dragonfly Ranch Lane
North Las Vegas, NV, 89081
Email: rshante1985@gmail.com
702-303-5599
In Propria Persona

2:24-cv-01589-RFB-EJY

SIGNATURE OF THIS DOCUMENT CERTIFIES THAT A COPY WAS SERVED TO THE PERSONS NAMED BELOW AND, ON THE DATE, INDICATED AND BY E-FILING.

PERSON	PARTY	DATE
Karl Schweikert	DEFENDANTS	February 12, 2026
Summer Johnson	United States of America	February 12, 2026

2/20/2026 1 **CASE OPENED.** A copy of your notice of appeal / petition filed in 2:24-cv-01589-RFB-EJY has been received in the Clerk's office of the United States Court of Appeals for the Ninth Circuit.
The U.S. Court of Appeals docket number **26-1027** has been assigned to this case. All communications with the court must indicate this Court of Appeals docket number. Please carefully review the docket to ensure the name(s) and contact information are correct. It is your responsibility to alert the court if your contact information changes.
Resources Available
For more information about case processing and to assist you in preparing your brief, please review the Case Opening Information (for attorneys and pro se litigants) and review the Appellate Practice Guide. Attorneys should consider contacting the court's Appellate Mentoring Program for help with the brief and argument. [Entered: 02/20/2026 11:51 AM]

Appellate Case 26-1027
Origin Case 2:24-cv-01589

GENAY L. AMERSON
Email: rshante1985@gmail.com
1412 Dragonfly Ranch Lane
North Las Vegas, NV 89081

In Propria Persona

UNITED STATES COURT OF APPEALS NINTH CIRCUIT

Genay L. Amerson, an Individual;
vs.
Nevada Education Corporation dba
Las Vegas College; Mikhail Education
Corporation; Does 1-50; jointly and severally,
Defendants.

Appeal 26-1027
Originating Case 2:24-cv-01589

OPENING BRIEF

OPENING BRIEF

The Plaintiff has filed for a Motion EMERGENCY under NRAP 27(e) to respectfully request that the Honorable Members of the Appellate Court Ninth Circuit, urgently review the unconstitutional dismissal of federal Civil Case 2:24-cv-01589-RFB-EJY, based solely on a non-evidenced assertion of EX PARTE communication with an inappropriate citation referencing court clerk harassment of the Plaintiff, in violation of her 5th and 14th Amendment RIGHTS to DUE PROCESS and EQUAL PROTECTION as a pro se litigant in sed federal case, when substantive matters and Motions for Summary Judgment (See T.A.C. ECF 217, ECF 219) and Permanent Injunction (ECF 244, ECF 244-1) were pending before the District Court District of Nevada at the time the Court

1 of 4

unconstitutionally issued ORDERS 249 and 250, to avoid awarding the Plaintiff an approximately \$100,000,000.00-million-dollar award, after Court Oder 189 established all of the Plaintiff's 504 of the Rehabilitation Act of 1973 and Title VI of the Civil Rights Act of 1964/ 2000 CLAIMS wholly included (See T.A.C. ECF 217, ECF 219) and Defendants Nevada Education Corporation dba Las Vegas College and parent company Mikhail Education Corporation liable.

INTRODUCTION

It is unfathomable, unconstitutional, and is treasonous, for any government member vested with UNITED STATES authority to abuse sed authority in violation of the LAW (18 USC 242) to effectively hijack our Nevada Court system (Municipal Courts, State Courts, Federal Court, Pacer System, court clerks, Judges) to remove from it, DUE PROCESS and/or EQUAL PROTECTION under LAW, and which are the very foundation of our Judiciary, Legal System, and LAWS.

Without fiercely unwavering safeguarding, of these INALIENABLE RIGHTS, self-representing litigants will continue to see their actionable complaints (See T.A.C. ECF 217, ECF 219) dismissed for reasons residing outside of the LAWS governing their proceedings, and the District Court District of Nevada' DISMISSAL ORDERS (ECF 249, ECF 250) breached the Plaintiff's CONSTITUTIONAL RIGHTS to DUE PROCESS and EQUAL PROTECTION being respectfully requested for review and decisions over this Federal Civil Case (2:24-cv-01589-RFB-EJY), that had substantive matters and pending motions left without GRANT or DENY, before the Court issued its unevidenced and unconstitutional Orders (ECF 249, ECF 250), and directly led to

Appellate Case 26-1027
Origin Case 2:24-cv-01589

the Plaintiff being tortured to presentation with weapons of mass destruction stolen from Nellis Air Force Base to prevent the Plaintiff from completing her Appellate Court filings.

SUMMATION

Under review with the UNITED STATES APPELLATE COURT NINTH CIRCUIT, are unconstitutional Dismissal Orders (ECF 249, ECF 250), pending Motions Summary Judgement (See T.A.C. ECF 217, ECF 219) and Permanent Injunction (ECF 244, ECF 244-1), an ancillary review with request for a ruling over State Case 26TPN000009, and determination of award (See Attachment A – Special Damages Disclosure) being GRANTED upon the Appellate Court's overturning of Dismissal of Federal Case 2:24-cv-01589-RFB-EJY to safeguard the Appellant's RIGHTS to seek JUSTICE and obtain a LEGAL OUTCOME based upon her Third Amended Complaint (ECF 217, ECF219), and with any GRANT of award being deposited by wire transfer to the Appellants Chase Bank domestic wire swift code **021000021**, receiving branch address: 10 S. El Camino Real, Millbrae, CA, 94030.

Dated: Monday, March 2nd, 2026

Respectfully Submitted:

By /s/ Genay L. Amerson
Genay. L. Amerson
1412 Dragonfly Ranch Lane
North Las Vegas, NV, 89081
Email: rshante1985@gmail.com
In Propria Persona

Appellate Case 26-1027
Origin Case 2:24-cv-01589

SIGNATURE OF THIS DOCUMENT CERTIFIES THAT A COPY WAS SERVED TO THE PERSONS NAMED BELOW AND, ON THE DATE, INDICATED AND BY E-FILING.

PERSON	PARTY	DATE
Karl Schweikert	DEFENDANTS	March 2, 2026
Summer Johnson	United States of America	March 2, 2026

From: ACMS@ca9.fedcourts.us
Subject: Amerson v. Nevada Education Corporation, et al. 26-1027 - 013 - Clerk Action - File Opening Brief
Date: March 3, 2026 at 3:46 PM
To: karl@suttervillelawgroup.com



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United States Court of Appeals for the Ninth Circuit

Notice of Docket Activity

The following transaction was entered on 03/03/2026 3:44:28 PM PST and filed on 03/03/2026

Case Name: Amerson v. Nevada Education Corporation, et al.

Case Number: 26-1027

Docket Text:

CLERK ACTION: Opening Brief submitted at DE 12 by Appellant Genay L. Amerson is filed. No paper copies are required. [Entered: 03/03/2026 03:44 PM]

Notice will be electronically mailed to:

Ms. Genay L. Amerson ; rshante1985@gmail.com
Mr. Cody S. Mounteer Esquire; cmounteer@maclaw.com, cmounteer@maclaw.com
Mr. Karl Schweikert ; karl@suttervillelawgroup.com

Case participants listed below will not receive this electronic notice:

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAR 5 2026

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

GENAY L. AMERSON,

Plaintiff - Appellant,

v.

NEVADA EDUCATION
CORPORATION, doing business as Las
Vegas College; et al.,

Defendants - Appellees.

No. 26-1027

D.C. No.
2:24-cv-01589-RFB-EJY
District of Nevada,
Las Vegas

ORDER

It appears that this appeal may be frivolous. If the appeal is frivolous, the court will deny permission to proceed in forma pauperis and dismiss the appeal. *See* 28 U.S.C. § 1915(e)(2).

Within 35 days, appellant must:

- (1) file a statement explaining why the appeal is not frivolous, OR
- (2) file a motion to voluntarily dismiss the appeal, *see* Fed. R. App. P. 42(b).

If appellant files a statement explaining why the appeal is not frivolous, or any other response other than a motion to dismiss, the court will determine whether the appeal is frivolous. If it is frivolous, the appeal will be dismissed. If it is not frivolous, the appeal will proceed.

If appellant files a statement that the appeal should go forward, appellees may file a response within 10 days after service of appellant's statement.

Briefing is stayed.

If appellant does not respond to this order, the court may dismiss this appeal without further notice.

The clerk will serve on appellant: (1) a form motion to voluntarily dismiss the appeal, and (2) a form statement that the appeal should go forward.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Appellant(s),

9th Cir. Case No. _____

v.

Appellee(s).

MOTION TO VOLUNTARILY DISMISS APPEAL

Pursuant to Federal Rule of Appellate Procedure 42(b), appellant(s)

_____ hereby move(s)

the court for an order dismissing appeal No. _____ - _____.

Dated: _____

Print Name(s)

Signature(s)

Appellant(s) in Pro Se

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Appellant(s),

9th Cir. Case No. _____

v.

Appellee(s).

STATEMENT THAT APPEAL SHOULD GO FORWARD
(attach additional sheets as necessary)

1. Date(s) of entry of judgment or order(s) you are challenging in this appeal:

_____.

2. What claims did you raise to the court below?

3. What do you think the court below did wrong? (You may, but need not, refer to cases and statutes.)

4. Why are these errors serious enough that this appeal should go forward?

5. Additional Information:

Dated: _____

Print Name(s)

Signature(s)

Appellant(s) in Pro Se

Appellate Case 26-1027
Origin Case 2:24-cv-01589

GENAY L. AMERSON
Email: rshante1985@gmail.com
1412 Dragonfly Ranch Lane
North Las Vegas, NV 89081

In Propria Persona

UNITED STATES COURT OF APPEALS NINTH CIRCUIT

Genay L. Amerson, an Individual;
vs.
Nevada Education Corporation dba
Las Vegas College; Mikhail Education
Corporation; Does 1-100; jointly and severally,
Defendants.

Appeal 26-1027
Originating Case 2:24-cv-01589
**PLAINTIFF RESPONSES
TO COURT ORDER**

PLAINTIFF STATEMENT THAT APPEAL SHOULD GO FORWARD

QUESTION 1: Date Orders filed being Appealed?

ANSWER 1: Court Orders ECF 249 and ECF 250 issued on February 9, 2026.

QUESTION 2: What CLAIMS did you raise to the Court below?

ANSWER 2: 504 of the Rehabilitation Act and Title VI of the Civil Rights Act of
1964/ 2000 CLAIMS, to wit:

1 of 5

PLAINTIFF STATEMENT THAT APPEAL SHOULD GO FORWARD IN RESPONSE TO COURT ORDER

CLAIM I – FAILURE TO ACCOMMODATE A QUALIFIED DISABLED STUDENT IN AN EDUCATIONAL PROGRAM RECEIVING FEDERAL FUNDING.

CLAIM II – FAILURE TO HAVE A DISABILITY ADMINISTRATOR AVAILABLE TO DISABLED STUDENTS IN AN EDUCATIONAL PROGRAM RECEIVING FEDERAL FUNDING.

CLAIM III – FAILURE TO PREVENT ESCALATION TO INTENTIONAL DISCRIMINATION AND CREATION OF A HOSTILE EDUCATIONAL ENVIRONMENT AGAINST THE DISABLED DUE TO DELIBERATE INDIFFERENCE IN AN EDUCATIONAL PROGRAM RECEIVING FEDERAL FUNDING.

CLAIM IV – FAILURE TO PREVENT DISCRIMINATORY POLICY CHANGES AGAINST THE DISABLED IN AN EDUCATIONAL PROGRAM RECEIVING FEDERAL FUNDING.

CLAIM V – FAILURE TO PREVENT DEPRIVATION OF EDUCATIONAL RIGHTS OF THE DISABLED IN AN EDUCATIONAL PROGRAM RECEIVING FEDERAL FUNDING.

CLAIM VI –WRONGFUL REMOVAL OF A QUALIFIED DISABLED STUDENT FROM AN EDUCATIONAL PROGRAM RECEIVING FEDERAL FUNDING AND FALSIFICATION OF EDUCATIONAL RECORDS IN RETLIATION.

CLAIM VII –VICTIMIZATION AND DEPRIVATION OF RIGHTS OF DISABLED FOR SEEKING JUSTICE IN OCR CASE NO. 1022173 AND FEDERAL CIVIL CASE 2:24-cv-01589-RFB-EJY.

QUESTION 3: What do you think the Court below did wrong?

ANSWER 3: It appears that the Judge was focused on procedural issues after relying on misinformation received from court clerks regarding a fictitious EX PARTE communication, that directly resulted in an UNCONSTITUTIONAL Dismissal (ECF 249, ECF 250), while there were pending motions for Summary Judgement against all Defendants, Permanent Injunction, and extensive Damages reported.

QUESTION 4: Why are these errors serious enough that this appeal should go forward?

ANSWER 4: This is an unconstitutional error in violation of DUE PROCESS and EQUAL PROTECTION over serious matters of DISCRIMINATION, RETALIATION, WRONGFUL DISMISSAL, and LOSS of a Nursing Career and future financial GAIN, that constitutes PERMANENT INJURY and IRREPARABLE HARM.

3 of 5

PLAINTIFF STATEMENT THAT APPEAL SHOULD GO FORWARD IN RESPONSE TO COURT ORDER

Appellate Case 26-1027
Origin Case 2:24-cv-01589

QUESTION 5: Additional Information:

ANSWER 5: The Defendants failed to present any actionable defense to Court Order 189, the THIRD AMENDED COMPLAINT (ECF 217, ECF 219), or PERMANENT INJUNCTION during the responsive period, that makes Dismissal for a fictitious reason a GROSS MISCARRIAGE OF JUSTICE.

Dated: Thursday, March 5th, 2026

Respectfully Submitted:

By /s/ Genay L. Amerson
Genay. L. Amerson
1412 Dragonfly Ranch Lane
North Las Vegas, NV, 89081
Email: rshante1985@gmail.com
In Propria Persona

Appellate Case 26-1027
Origin Case 2:24-cv-01589

**SIGNATURE OF THIS DOCUMENT CERTIFIES THAT A COPY WAS SERVED TO THE
PERSONS NAMED BELOW AND, ON THE DATE, INDICATED AND BY E-FILING.**

PERSON	PARTY	DATE
Karl Schweikert	DEFENDANTS	March 5, 2026
Summer Johnson	United States of America	March 5, 2026



Roxanne Shante <rshante1985@gmail.com>

RESPONSE TO ORDER BEING INTERFERED WITH BY DEFENDANTS

7 messages

Roxanne Shante <rshante1985@gmail.com>

Thu, Mar 5, 2026 at 4:32 PM

To: "U.S. Court of Appeals for the Ninth Circuit, E-Filer Help Desk" <efilerhelp@ca9.uscourts.gov>

Please see the attachment.

Ms. Genay L. Amerson

Screenshot 2026-03-05 4.29.57 PM.png
118K**Roxanne Shante** <rshante1985@gmail.com>

Thu, Mar 5, 2026 at 4:38 PM

To: "U.S. Court of Appeals for the Ninth Circuit, E-Filer Help Desk" <efilerhelp@ca9.uscourts.gov>, emergency@ca9.uscourts.gov, rfb_chambers@nvd.uscourts.gov, "Johnson, Summer (USANV)" <summer.johnson@usdoj.gov>, Hannah Bleak <Hannah.Bleak@clarkcountynv.gov>

Dear Appellate Team,

Please see the attached response regarding the appeal process, which is currently being interfered with by the defendants.

Respectfully,

Ms. Genay L. Amerson

[Quoted text hidden]

**3 attachments**Screenshot 2026-03-05 4.33.42 PM.png
216KScreenshot 2026-03-05 4.33.53 PM.png
162K

3/5/26, 5:13 PM



Screenshot 2026-03-05 4.34.54 PM.png
174K

Roxanne Shante <rshante1985@gmail.com>

Thu, Mar 5, 2026 at 4:41 PM

To: "U.S. Court of Appeals for the Ninth Circuit, E-Filed Help Desk" <efilerhelp@ca9.uscourts.gov>, emergency@ca9.uscourts.gov, rfb_chambers@nvd.us.courts.gov, "Johnson, Summer (USANV)" <summer.johnson@usdoj.gov>, Hannah Bleak <Hannah.Bleak@clarkcountynv.gov>

Why are the Defendants "working" in my laptop?

Ms. Amerson

[Quoted text hidden]



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176K

Mail Delivery Subsystem <mailer-daemon@googlemail.com>

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To: rshante1985@gmail.com



Address not found

Your message wasn't delivered to **rfb_chambers@nvd.us.courts.gov** because the domain nvd.us.courts.gov couldn't be found. Check for typos or unnecessary spaces and try again.

[LEARN MORE](#)

The response was:

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Final-Recipient: rfc822; rfb_chambers@nvd.us.courts.gov

Action: failed

Status: 5.1.2

Diagnostic-Code: smtp; DNS Error: DNS type 'mx' lookup of nvd.us.courts.gov responded with code NXDOMAIN Domain name not found: nvd.us.courts.gov For more information, go to <https://support.google.com/mail/?p=BadRcptDomain>

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 **noname**
5K

Roxanne Shante <rshante1985@gmail.com>

Thu, Mar 5, 2026 at 5:07 PM

To: "U.S. Court of Appeals for the Ninth Circuit, E-Filer Help Desk" <efilerhelp@ca9.uscourts.gov>, emergency@ca9.uscourts.gov, rfb_chambers@nvd.us.courts.gov, "Johnson, Summer (USANV)" <summer.johnson@usdoj.gov>, Hannah Bleak <Hannah.Bleak@clarkcountynv.gov>



Dear Appellate Team,

I am writing to report that my attempts to file are being obstructed. These interferences must be addressed immediately to ensure a just and legal outcome in this matter.

Respectfully,

Ms. Genay L. Amerson

[Quoted text hidden]



Screenshot 2026-03-05 5.04.17 PM.png
294K

Roxanne Shante <rshante1985@gmail.com>

Thu, Mar 5, 2026 at 5:13 PM

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THIS INTERFERENCE MUST STOP!!! CLEARLY THE DEFENDANTS ARE THE FRIVOLOUS FILERS.

Ms. Amerson

[Quoted text hidden]

3/5/26, 5:13 PM



Screenshot 2026-03-05 5.11.52 PM.png
183K

Mail Delivery Subsystem <mailer-daemon@googlemail.com>
To: rshante1985@gmail.com

Thu, Mar 5, 2026 at 5:13 PM

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Final-Recipient: rfc822; rfb_chambers@nvd.us.courts.gov

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Status: 5.1.2

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Domain name not found: nvd.us.courts.gov For more information, go to <https://support.google.com/mail/?p=BadRcptDomain>

Last-Attempt-Date: Thu, 05 Mar 2026 17:13:28 -0800 (PST)

 **noname**
5K



No. 26-1027

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Genay L. Amerson

Plaintiff-Appellant

v.

Nevada Education Corporation dba Las Vegas College, Mikhail Education Corporation, DOES 1 through 10; ROE ENTITIES 11 through 20, inclusive jointly and severally,

Defendants-Appellees

On Appeal from the United States District Court

For the District of Nevada

No. 2:24-cv-1589

Hon. Richard F. Boulware III

**APPELLEE'S REPLY TO APPELLANT'S
RESPONSE TO ORDER RE: FRIVOLOUS APPEAL**

Karl A. Schweikert, NV Bar No. 13756
Kurt Hendrickson, CA Bar No. 251509

KDH Law

2101 Stone Blvd., Suite 115
West Sacramento, CA 95691
916.993.5226

Karl@KDHendrickson.com

Kurt@KDHendrickson.com

LR IA 11-1(b)(2) Designated Service Atty

Cody S. Munteer, Esq.

Marquis Aurbach

10001 River Run Drive

Las Vegas, NV 89145

*Attorneys for Appellees-Defendants
Las Vegas College, Mikhail Education Corporation, and Peter Mikhail President
Of Mikhail Education Corporation*

**DEFENDANTS'/APPELLEES' RESPONSE TO
PLAINTIFF DECLARATION OF NON-FRIVOLOUS APPEAL**

In her declaration, Plaintiff fails to address the issues raised by the District Court's sanctions order dismissing her case and this appeal. Presumably, the other matters dismissed as moot would be revived upon remand were the Court to rule the dismissal was inappropriate. Plaintiff misstates [likely due to a lack of understanding] the operative causes of action in the lower court. Plaintiff presents no evidence to support her claims of misinformation. Finally, Plaintiff misrepresents/misunderstands the prior order [189], the existence of an operative Third Amended Complaint, and Defendants response to her Motion for Permanent Injunction. This appeal should be found to be frivolous and dismissed.

Dated: March 9, 2026

KDH Law

/s/ Karl A. Schweikert

Karl A. Schweikert

Attorneys for Las Vegas College, Mikhail Education Corporation, and Peter Mikhail, President of MEC

CERTIFICATE OF SERVICE

I hereby certify that, on this date, I electronically filed the foregoing with the Clerk of the Court using the e-Filer system, which will send notifications of such filings to all participating attorneys and Pro Per Plaintiff, Ms. Amerson.

Dated: March 9, 2026

KDH Law

/s/ Karl A. Schweikert

Karl A. Schweikert

Attorneys for *Las Vegas College, Mikhail Education Corporation*, and *Peter Mikhail, President of MEC*

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAR 23 2026

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

GENAY L. AMERSON,

Plaintiff - Appellant,

v.

NEVADA EDUCATION
CORPORATION, doing business as Las
Vegas College; et al.,

Defendants - Appellees.

No. 26-1027

D.C. No.
2:24-cv-01589-RFB-EJY
District of Nevada,
Las Vegas

ORDER

Before: OWENS, MILLER, and BUMATAY, Circuit Judges.

After considering the response to the court's March 5, 2026 order and the opening brief, we dismiss this appeal as frivolous.

All other pending motions are denied as moot.

No further filings will be entertained in this closed case.

DISMISSED.

1-1997

Providing Equal Access to Equal Justice: A Statistical Study of Non-Prisoner Pro Se Litigation in the United States District Court for the Northern District of California in San Francisco

Spencer G. Park

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Spencer G. Park, *Providing Equal Access to Equal Justice: A Statistical Study of Non-Prisoner Pro Se Litigation in the United States District Court for the Northern District of California in San Francisco*, 48 HASTINGS L.J. 821 (1997).

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Note

Providing Equal Access to Equal Justice: A Statistical Study of Non-Prisoner Pro Se Litigation in the United States District Court for the Northern District of California in San Francisco

by
SPENCER G. PARK*

Introduction

“Equal Justice Under Law” stands firmly engraved over the pillared entrance to the Supreme Court. The federal courts aspire to heed that directive despite heavy dockets, increased jurisdiction, and a complex legal system which requires the aid of expensive attorneys. In particular, litigation involving pro se litigants poses distinct challenges to the equal administration of justice in federal courts.

“Pro se”¹ or “in pro per” litigation refers to litigation where a litigating party proceeds in an action without the aid of counsel.² The litigant handles all case matters and often faces great difficulty navigating the intricacies of the judicial system. Specifically, pro se litigants often neglect time limits, miss simple court deadlines, and fail to understand the procedural and substantive law of the federal courts. Furthermore, pro se litigants many times have problems applying basic, yet crucial, legal concepts such as precedent and determining the relevancy of facts. Often, the litigant will require and ultimately re-

* J.D., U.C. Hastings College of the Law, 1997; A.B., Harvard College, 1993. The author wishes to thank Richard Wieking, Ian Keye, Nancy Koontz, Cheri Bornejo and staff members at the Office of the Clerk, U.S. District Court for the Northern District of California, for their assistance with the data compilation. The author is also sincerely grateful for guidance from Honorable William W Schwarzer, U.S. Senior District Judge. Finally, the author thanks his family and Hyeyoung Kim for all their support.

1. The term means “for himself” or “in one’s own behalf” in Latin.

2. BLACK’S LAW DICTIONARY 1221 (6th ed. 1990).

ceive assistance from the court. Such demands threaten the court's neutrality and place the court in an awkward position.³

In recent years, the press, politicians, and legal scholars have publicly decried the so-called litigation explosion.⁴ Although statistical studies later deflated those concerns with evidence that the courts were able to handle the growth in litigation,⁵ the "sharp and steady increase"⁶ in pro se litigation is one sector of the overall growth that continues to receive attention.⁷ An efficient response to the increase in pro se litigation requires solutions beyond mere docket management.

While anecdotal accounts of burdensome pro se litigation abound, the availability of statistics and other empirical data illuminating the subject is limited. In fact, the 1995 Judicial Conference's Committee on Long Range Planning specifically emphasizes the importance of gathering statistics and data on the recent growth in pro se litigation.⁸ This Note seeks to put some numbers behind the anecdotes.

The purpose of this Note is to present the results of a statistical study of non-prisoner pro se litigation in the United States District Court for the Northern District of California in San Francisco. First, the key findings of this statistical study are summarized below. The second part of this Note will explain how the sample was selected, how the study was conducted, and what parameters were measured and recorded. The third part discusses the results of the study. Fourth, this Note briefly addresses the implications of the results upon judicial policymaking decisions designed to meet the needs of pro se

3. Although some courts have experimented with pro se litigation clinics at law schools, the primary source of assistance to the pro se litigant is the judge, the judge's staff, and other officers of the court. See PROPOSED LONG RANGE PLAN FOR THE FEDERAL COURTS, COMMITTEE ON LONG RANGE PLANNING, JUDICIAL CONFERENCE OF THE UNITED STATES, Recommendation 93 (Mar. 1995) [hereinafter LONG RANGE PLAN].

4. See, e.g., PRESIDENT'S COUNCIL ON COMPETITIVENESS, AGENDA FOR CIVIL JUSTICE REFORM IN AMERICA 1 (1991).

5. See, e.g., *Some Boast "Rocket Dockets," Others Fizzle But Overall . . . Justice Proceeds Apace in Federal District Courts*, RAND RES. REV. Fall 1990, at 11; see generally Marc Galanter, *Reading the Landscape of Disputes: What We Know and Don't Know (And Think We Know) About Our Allegedly Contentious and Litigious Society*, 31 U.C.L.A. L. REV. 4 (1983).

6. William W. Schwarzer, *Viewpoint: Let's Try a Small Claims Calendar for the U.S. Courts*, JUDICATURE, Mar.-Apr. 1995, at 221.

7. The biggest boom in pro se filings has occurred in prisoner pro se petitions. In fact, 1,233 prisoner pro se petitions were filed in 1993 in the Northern District of California. This study, however, specifically excludes prisoner pro se filings and instead focuses only on non-prisoner pro se litigation. For a study of prisoner pro se proceedings, see TASK FORCE ON PRISONER REMEDY PROC., EFFECTIVE PRISONER REMEDY PROCEDURES: REPORT TO THE JUDICIAL COUNCIL OF THE NINTH CIRCUIT (1995).

8. See LONG RANGE PLAN, *supra* note 3, Recommendation 35.

litigation. Suggestions for further study and improvements are presented in the last part.

I. Key Findings

The key findings of the study are summarized as follows:

- Almost 52% of the pro se litigants in the sample were plaintiffs.
- Around 27.3% of the cases included a government entity as a litigant (as either plaintiff or defendant).
- Only 21.1% of the sample were cases brought by pro se plaintiffs against a government agency or entity.
- Seventy percent of pro se litigants did not even apply to proceed *in forma pauperis* under 28 U.S.C. § 1915 (statute for proceeding *in forma pauperis*).
- Only around 8.5% of pro se litigants filed a request for appointment of counsel.
- Approximately 12% of pro se cases were referred to a magistrate judge or special master.
- The most common type of claim involving a pro se litigant was the "Other" type of claim. These claims were predominantly disbarment proceedings and comprised 36% of the sample.
- The largest substantive and second most popular type of claim involving pro se litigants were civil rights claims which comprised a little under 30% of the sample.
- There was a strong correlation between pro se plaintiffs and civil rights claims.
- Among pro se cases involving a government entity, civil rights claims far outnumbered other types of claims.
- Over half of the indigent (proceeding *in forma pauperis*) pro se parties in the sample brought civil rights claims.
- More pro se civil rights claimants requested and ultimately received appointed counsel than pro se litigants with other types of claims.
- Twenty-six percent of civil rights claims brought by pro se parties were appealed.
- More than half of the claims involving a pro se litigant were dismissed under a preliminary motion such as a motion to dismiss for a failure to state a claim.
- The parties reached a settlement in a little over 15% of the cases.
- With pro se litigants, settlements were most often reached in employment discrimination, tort, and labor cases.
- Pro se defendants were disproportionately represented among settled claims.
- Only one case reached a trial on the merits.
- Bankruptcy, labor and civil rights claims tended to be the most burdensome types of pro se claims in terms of time and demand upon court resources.
- Half of the pro se cases were terminated within ten months. Two-thirds of the cases took a year to terminate.

- Ninety-five percent of the cases required forty-five or fewer docket entries.

II. Procedure

This Part explains how the statistical study was conducted. The first section discusses the sampling method. The second section explains the parameters of the study. Potential sources of bias and problems with the selected parameters are discussed in Part III.⁹

A. The Sample

The sample source was a pool of actions filed in the United States District Court in San Francisco¹⁰ where at least one party initially proceeded pro se or became pro se during the course of the litigation. The study pool was limited to cases filed in 1993. Furthermore, the pool included only cases terminated as of February 1996. The total pool included 683 actions.¹¹

Of the 683 actions, approximately one-third were chosen for the sample. To adjust for seasonal differences during the year, the sample included every third action selected in the order in which they were filed with the court. As a result, the sample contained 227 cases, each of which involved one or more litigants proceeding pro se at some point during the litigation.

B. Data and Parameters Measured

After selecting the sample, the relevant data for each action was recorded from the docket. The following parameters were recorded:

(1) *Case number*

This number was recorded for tracking purposes and may prove useful in future case-specific studies.

(2) *Plaintiff, Defendant, or Other*

This parameter identifies the status of the pro se litigant in the action as "Plaintiff," "Defendant," or "Other." "Other" indicates that the pro se party could be classified as neither plaintiff nor defendant. Often these cases involved litigation such as disbarment proceedings

9. See *infra* Part III.C.

10. Cases filed and litigated in the Oakland and San Jose federal district courts were not included.

11. In fact, 725 non-prisoner pro se filings were made in 1993. Therefore, 42 cases were still pending as of February 1996.

or bankruptcy appeals.¹² Furthermore, a few actions involved pro se litigants on both sides of the litigation and the data so indicates.

(3) *Government party to litigation*

Government agency or entity (local, state, or federal) involvement in the litigation is reflected in this parameter. A “yes” response was recorded for government participation on either side of the litigation (plaintiff or defendant). The determinations for this parameter were based upon the names of the parties.

(4) *Claim*

This parameter indicates the type of claim as it was characterized by the party filing the action. The study consolidates many specific categories of claims into larger, more general categories for convenience. The categories are as follows:

- (1) contract,
- (2) real property,
- (3) torts (including personal injury, personal property, and fraud),
- (4) civil rights (including employment discrimination, housing, and other civil rights claims),
- (5) labor,
- (6) bankruptcy,
- (7) property rights (including intellectual property),
- (8) social security,
- (9) tax,
- (10) statutory (constitutional, environmental, banking, Freedom of Information Act, and securities acts claims), and
- (11) other (predominantly disbarment proceedings and unspecified statutory claims).

(5) *In forma pauperis (IFP)*¹³

This data was recorded as either “yes,” “no,” or “applied.” A “yes” indicates that the court granted IFP status to the litigant. “No” indicates that the litigant did not apply for IFP status. “Applied” means that the pro se litigant applied for IFP status, and either the

12. This category includes cases where the court classified pro se litigants as respondents, petitioners, or “in re.” While most disbarment proceedings classified the attorney proceeding pro se as “in re,” a number of such proceedings inexplicably labeled the pro se party as plaintiffs or defendants. In order to maintain consistency, these entries were nevertheless recorded as “Other” despite the court’s classification on the docket.

13. “*In forma pauperis*” status (literally meaning “in the character or manner of a pauper” (BLACK’S LAW DICTIONARY 779 (6th ed. 1990)) is authorized by 28 U.S.C. § 1915, which allows plaintiffs to proceed without paying filing costs and requires the court to direct service by the officers of the court. 28 U.S.C.A. § 1915(a)-(b), (d) (West Supp. 1997). To qualify for this status, litigants must apply to the court and provide financial and other income data to prove indigency. *Id.*

application was denied, or the docket did not record the outcome of the application.

(6) *Counsel Requested*¹⁴

This parameter simply records whether or not the pro se litigant sought court-appointed counsel. Application was made by both plaintiff and defendant pro se litigants within the sample.

(7) *Counsel Appointed*

"Yes" indicates that counsel was ultimately appointed in the litigation for the pro se litigant.¹⁵ The data does not, however, distinguish between counsel appointed as a result of the court's order and counsel appointed as a result of the individual pro se litigant's own efforts. On the other hand, "no" means that the application for appointment of counsel was denied by the court and that counsel was never found.

(8) *Reference to Magistrate Judge or Special Master*

This parameter indicates whether or not the case was referred to a magistrate judge or special master during any part of the litigation. This includes reference for settlement negotiations, discovery and consent to ultimate adjudication.

(9) *Outcome of the Dispute*

Seven different possible outcomes were recorded:

- (1) dismissal upon request by the pro se litigant ("da1");
- (2) dismissal by the court due to failure to prosecute or abandonment by the pro se litigant ("da2");
- (3) dismissal by the court under a motion to dismiss ("dc1")¹⁶;

14. The statute authorizing appointment of counsel follows in relevant part: The court may request an attorney to represent any such person unable to afford counsel. Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that the allegation of poverty is untrue; or the action or appeal is frivolous or malicious; fails to state a claim on which relief may be granted; or seeks monetary relief against a defendant who is immune from such relief.

28 U.S.C.A. § 1915(e) (West Supp. 1997). Three factors should be considered in evaluating a request for appointment of counsel: financial resources, pro se litigant's efforts to obtain counsel, and the merits of the claim. *Bradshaw v. Zoological Soc. of San Diego*, 662 F.2d 1301, 1318 (9th Cir. 1981) (citing *Caston v. Sears Roebuck & Co.*, 556 F.2d 1305, 1308-10 (5th Cir. 1977)).

15. These cases were kept within the sample despite the subsequent appointment of counsel during the course of the litigation.

16. In addition to the Federal Rules of Civil Procedure ("FRCP") 12(b)(6) motion, this type of disposition includes any preliminary motion to dismiss brought by an opposing party short of a FRCP 56 summary judgment.

- (4) dismissal by the court under a motion for summary judgment (“dc2”);
- (5) settlement (“se”)¹⁷;
- (6) trial on the merits (“tm”); and
- (7) remand to lower tribunal or other transfer to another venue (“re”).

(10) *Judgment*

Judgment was recorded as either “for” the pro se litigant, “against” the pro se litigant, or “not applicable.” The last category usually indicates that the case resulted in either a settlement or a remand.

(11) *Appeal*

This parameter signals whether or not the case was appealed.

(12) *Docket and Time*

In order to measure the demand on court resources, the study recorded two separate measurements. “Docket” attempts to capture the relative burden of the action upon court staff and resources through the total number of docket entries recorded on the case file.¹⁸ “Time” simply records the number of days between filing and termination of the case.

(13) *Docket-Time factor*

This figure multiplies the “time” measurement by the “docket” measurement to provide an index of the burden upon the court’s resources.¹⁹ The resulting unit is a “days-docket entry” indicator. The higher the number, the greater the combined burden upon the court.

The two figures are used in combination because the two indicators measure burdens in different ways. While the “days” parameter captures the burden of time, the “docket” figure reflects the relative complexity of certain cases. For example, many pro se cases may take a long time but may not in fact burden the court very much because of the low level of activity and lack of rigorous pursuit by the pro se litigant. On the other hand, some actions may be resolved in a shorter

17. The outcome of a settlement between the parties includes cases where the docket explicitly referred to the parties’ settlement and cases that were dismissed under an “Order of Dismissal pursuant to Stipulation.”

18. The study recognizes that not every action in a docket entry requires the same amount of court resources. An entry listing a summary judgment order reflects much more court time than recording minutes from a hearing. Future studies may consider assigning weighted values to different types of docket entries in order to accurately reflect such disparities.

19. This figure has been further divided by 100 for numerical convenience.

period of time but nevertheless require substantial involvement from the court in the resolution of the dispute, which would be reflected in a greater number of docket entries.

The time-docket index spreads out the sample along a spectrum of court involvement. Cases with fewer docket entries requiring fewer days should place lower on the spectrum than those cases which last a long time and demand more docket entries. The other cases should fall somewhere in between.

III. Results

This Part of the Note presents the results of the study. First, relevant percentages and figures for the entire sample are presented by parameter. Thereafter, the Note analyzes the parameter results for separate sub-samples. The third section discusses potential bias in the data.

A. General Results

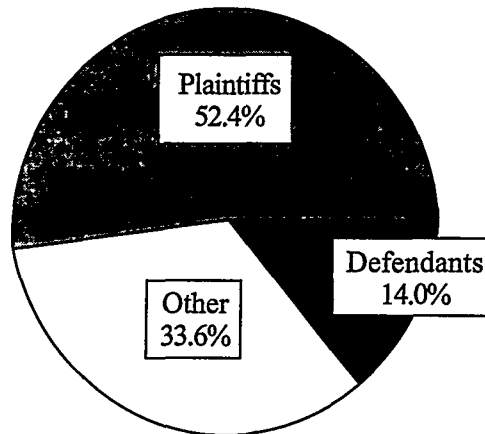
The parameters of the study are designed to answer three questions regarding pro se litigation in the federal courts: (1) What kind of litigant is the pro se litigant?; (2) How does pro se litigation proceed and ultimately terminate?; and (3) What is the burden upon the courts? The results of the study are discussed in light of these questions.

(1) What kind of litigant is the pro se litigant?

The first four parameters provide a picture of the pro se litigant. The typical pro se party is a plaintiff, who does not file against the government and does not apply to proceed *in forma pauperis*. As for the type of claim, the majority of pro se cases involve civil rights claims or disbarment proceedings.

The Plaintiff/Defendant parameter did not produce particularly surprising results:

1. Plaintiff/Defendant



As could be expected, a little over half, 52.4%, of the pro se litigants were plaintiffs. This result confirms the experience of most who are familiar with pro se litigation. Only 14% of the pro se litigants in the sample were classified as defendants.

What is, perhaps, more interesting is the fact that over one-third, 33.6%, of the pro se litigants in the sample fell into the "Other" category implying that they were neither plaintiff nor defendant. Most of these actions appear to involve either appeals from the bankruptcy court or disbarment proceedings where the lawyer facing disbarment chooses to go unrepresented.²⁰ If these cases are removed and only actions where there is a plaintiff and a defendant are considered, the number of pro se plaintiffs outnumber pro se defendants nearly four to one.²¹

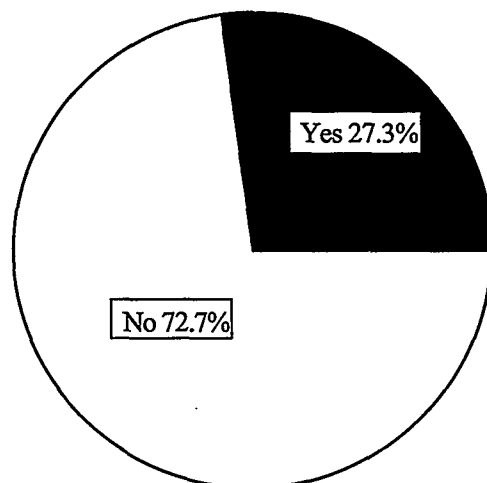
The results for government participation in pro se litigation are unexpectedly low. Only approximately 27% of the pro se cases filed involved a government entity (local, state, or federal). While it is generally perceived that pro se litigation is mostly filed against government agencies, that generalization may in fact be heavily influenced by prisoner pro se litigation. The result here tends to show that non-prisoner pro se litigation is, perhaps, more diverse than commonly perceived. It should be emphasized that this figure reflects govern-

20. In disbarment proceedings, the local bar has usually disbarred the attorney from state practice and the federal court may consequently issue an "Order to Show Cause." Thereafter, the attorney is permitted to make his or her case to the court as to why the attorney should not be disbarred from practice in federal court. The proceeding tends to be a formality and few are seriously contested.

21. If the 77 claims with an "Other" pro se litigant are removed, the remaining 120 pro se plaintiffs would comprise around 79% of the remaining sample; correspondingly, 32 defendants would constitute 21% of the remaining sample.

ment participation on either side of the litigation and does not distinguish between the government entity acting as plaintiff or defendant.²² For example, for purposes of this parameter no distinction is made between cases where the government acts as a defendant to an employment discrimination claim and cases where the government engages in civil prosecution.

2. Government Party to Litigation?

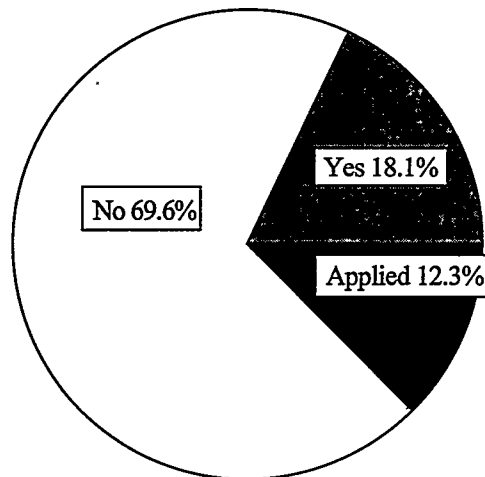


The *in forma pauperis* parameter also produced surprising results. While the common perception of the pro se litigant is that of an indigent party, the study shows that only 30% of the pro se litigants applied for the status. By implication, 70% of pro se litigants do not even apply for IFP status. One plausible explanation for the low number of applicants may be the lack of information regarding the IFP application. Although explanatory documents and materials are provided to pro se litigants with social security and Title VII claims²³ (along with preprinted complaint and application forms), similar materials are not made available for other claims in general.

22. For further analysis of this sub-sample, see *infra* Part III.B.5.

23. These claims specifically regard employment discrimination complaints under 42 U.S.C.A. § 2000e-5 (West 1994).

3. In Forma Pauperis

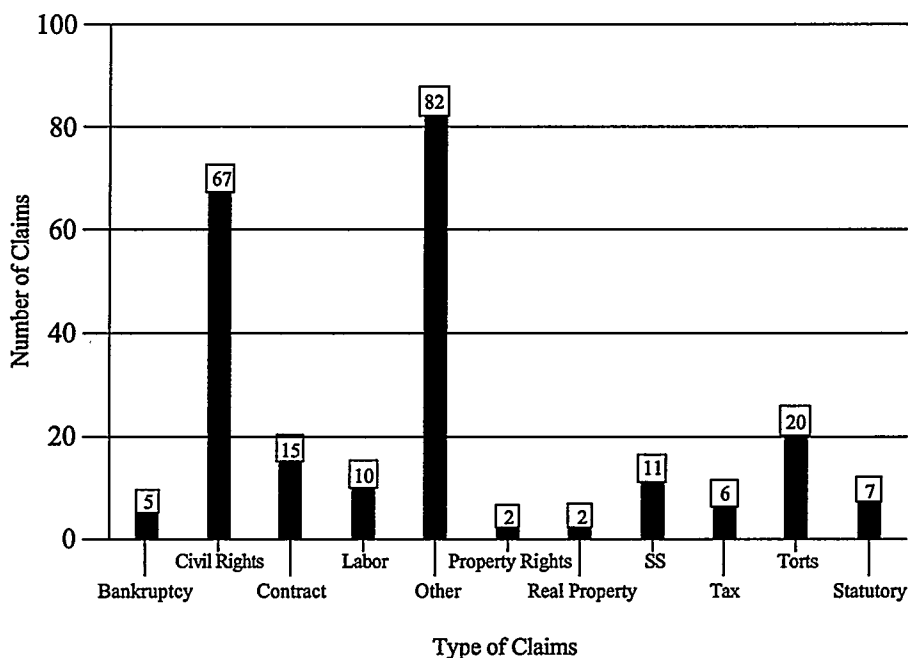


When pro se litigants do apply, however, the court grants the status three out of five times. Despite this apparently high success rate, the overwhelming majority of pro se litigants, 72%, were not legally “indigent” (as defined under the standards of 28 U.S.C. § 1915) yet were still unable to afford counsel or were unable to convince counsel to take their case on a contingency basis.

Finally, pro se litigants in the sample were involved in a diverse range of claims.²⁴ Almost every major category of claim was represented:

24. This includes all cases in the sample regardless of the pro se litigant’s status as plaintiff or defendant.

4. Pro Se Claims



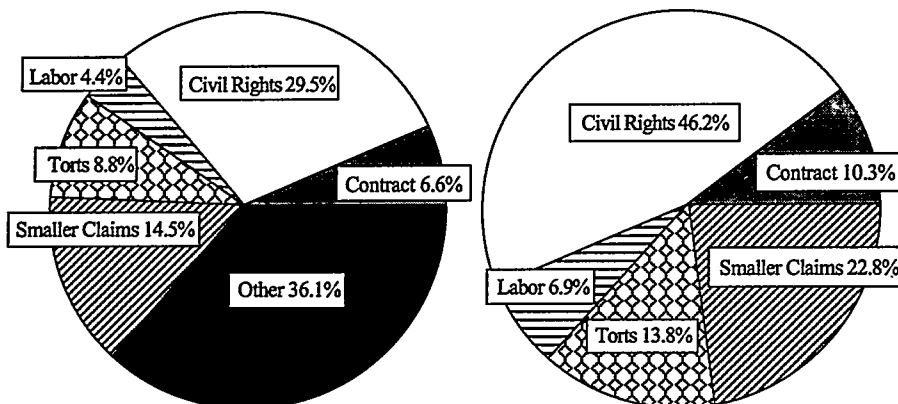
As is generally perceived, civil rights (including Title VII employment discrimination and housing cases) compose a large bulk of the claims. In fact, these claims place second in greatest percentage (nearly 30%) after the "Other" category of claims.

The "Other" category comprises 36% of the sample. Many of the claims in this category are disbarment proceedings²⁵ where lawyers are ordered to show cause why they should not be disbarred. Although these actions are not generally thought of as pro se cases, the profile falls under the strict definition of pro se—a party proceeding in litigation unrepresented by counsel. It is, nevertheless, debatable whether or not such claims should properly be included in a survey of non-prisoner pro se litigation.

The following pie charts compare the percentage outcomes realized when the "Other" group of actions is removed from the sample.

25. The study identified 73 disbarment proceedings out of the 82 cases in the "Other" claims classification. The exact nature of the remaining non-disbarment claims included in this "Other" category is unclear as it is marked as "Other statutory" on the filing sheet. By exclusion, however, one can determine that those statutory actions included under the "Statutory" category are not part of this category. See *infra* Part II.B.4.

5. Pro Se Claims Comparison With and Without "Other" Claims



While civil rights claims comprise nearly 30% of pro se claims in the entire sample, that figure increases to almost 46% when the "Other" category is removed from the sample.²⁶ It would nevertheless be unwise to ignore the fact that close to one third of the pro se cases were disbarment proceedings. The demand these cases make upon the courts should not go unaddressed.

(2) *How does pro se litigation proceed and ultimately terminate?*

The results here indicate that most cases brought by pro se litigants result in dismissal by the court as a result of a preliminary motion brought by the opposing party. Furthermore, less than a tenth of pro se litigants in the sample sought the court's assistance in procuring counsel and a smaller portion were actually appointed counsel at some point during the course of the litigation.²⁷ Finally, pro se litigants overwhelmingly find themselves on the losing side of the judicial outcome regardless of their status as plaintiff or defendant.

Perceptions of hapless pro se litigants seeking assistance from the court in finding counsel appear unfounded. Only a little over 8% of pro se litigants even file a request for appointment of counsel. Similar to the IFP situation, the low figure may be due to a lack of information regarding the application rather than any lack of interest.

26. "Smaller claims" combines the smaller categories (bankruptcy, 3.4%; property rights, 1.4%; real property, 1.4%; social security, 7.6%; tax, 4.1%; and statutory, 4.8%) for visual convenience (percentages pertain to chart on right).

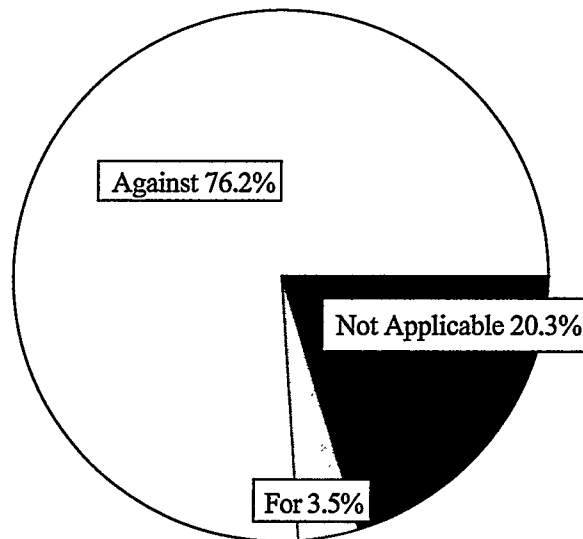
27. The sample did not exclude cases where counsel was subsequently appointed.

Furthermore, a little under 8% eventually found counsel during the course of the litigation. It is, however, unclear whether the appointment resulted from the court's order in concert with local pro bono assistance or continued efforts made by the individual litigant.

Another concern regarding the handling of pro se cases is the perception that many pro se claims are routinely referred to Magistrate Judges or Special Masters. Some may argue that such court officials are better suited to give more time and attention to individual pro se cases due to lighter caseloads. On the other hand, such a practice could create a perception of a mechanized screening process where federal judges do not treat all cases equally. In fact, the results show that only a small percentage, approximately 12%, of pro se cases are referred to a magistrate judge or special master. The statistic perhaps even suggests a contrary conclusion: federal judges are reluctant to refer pro se cases to magistrate judges and prefer to handle them themselves.²⁸

The results from the judgment parameter are unsurprisingly one-sided against the pro se litigant regardless of the litigant's status as plaintiff or defendant.

6. Judgment

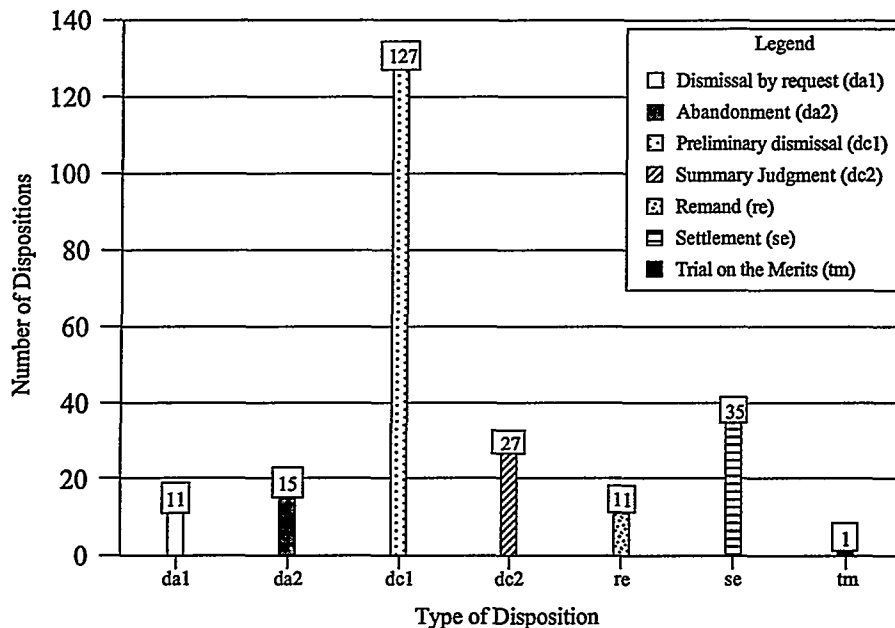


28. Nevertheless, the issue may ultimately prove moot in the Northern District of California as pro se and non-pro se cases alike, in addition to being referred, are now directly assigned to magistrate judges off the assignment wheel with a rebuttable presumption of consent.

Nevertheless, a significant number, over 20%, of pro se litigants avoided an unfavorable ruling in federal court by either settling the dispute out of court or submitting to a remand to another tribunal.²⁹

How the dispute was disposed ranged from early dismissal to full trial on the merits.³⁰ The dispositions of claims are presented below:

7. Disposition of Claims



By far, most cases, 56%, were unable to survive a preliminary motion to dismiss.³¹ While that figure may not be unexpected, the second most prevalent outcome was settlement by the parties, comprising 15.4% of the sample. It is surprising to see so many settlements among pro se litigants without the aid of counsel, when the presence of counsel is usually thought to be instrumental to successful and ef-

29. A "Remand" outcome includes transfers of venue, remand to state courts for actions improperly removed, and remanded bankruptcy appeals.

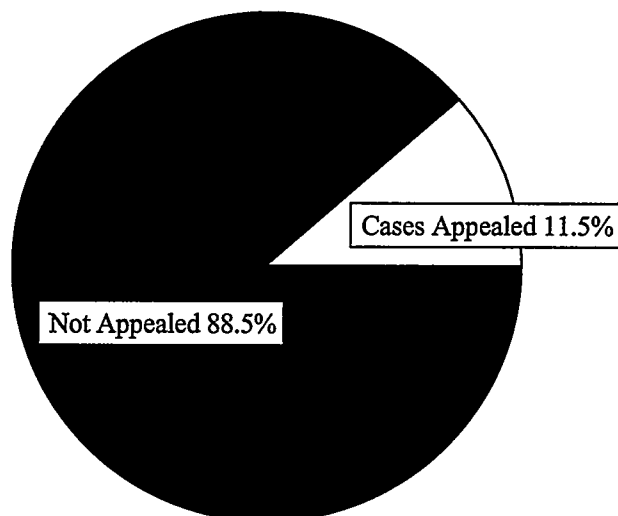
30. Unfortunately, similar statistics for all (including non-pro se) civil filings in the Northern District of California were not readily available. Such statistics could, however, prove very useful for comparative purposes.

31. This figure includes proceedings that resulted in the disbarment of the pro se litigant under a motion to dismiss upon the failure to show cause. If the 73 disbarment proceedings were removed from the sample, most of them would come out of this category. As a result, approximately 54 "dc1" cases would comprise 35% of the dispositions in the remaining sample.

fective negotiations.³² Unfortunately, the quality and fairness of these settlements are quantitatively immeasurable and not represented in these statistics.

Also noteworthy is the low number of cases abandoned by pro se litigants (7%). This figure is captured in the "da2" parameter. Most were recorded on the docket as dismissals by the court sua sponte as a result of the pro se litigant's failure to pursue the claim further.

8. Appeals



Finally, the data shows that a little over 11% of the pro se cases in the sample were appealed. It is difficult to find comparable statistics regarding the rate of appeal for the general population of civil cases in the Northern District of California. The closest measurement, perhaps, is to look at the rate of appeal for the Ninth Circuit as a whole. Two plausible rates of appeal can be calculated from available statistics: 18.5% and 21.5%.³³ These figures are markedly higher than the rate of appeal from the sample of cases in San Francisco. One expla-

32. Not all of these cases, however, were settled without aid of counsel because the sample did not exclude the cases where counsel was subsequently appointed. In fact, 11 of the 35 settled cases were cases where counsel was subsequently appointed.

33. The 18.5% figure was calculated by dividing 7,157, the number of appeals filed in the Ninth Circuit in 1993 (twelve month period ending March 31, 1994), by 38,696, the number of terminations in the Ninth Circuit in 1993 (twelve month period ending September 30, 1993). Using the staggered time periods allows for a six month time delay between termination in the district court and filing of the appeal. Alternatively, the 21.5% figure was calculated by dividing 8,337, the number of appeals filed for the twelve month period ending September 30, 1996, by 38,696, the number of terminations for the same period. The latter percentage makes no attempt to reconcile actual terminations with concomitant

nation is that these higher figures include criminal appeals which are likely to raise the average rate of appeal above the average for civil appeals.³⁴

(3) *What is the burden upon the courts?*

The following table presents the summary data for the docket, time, and time-docket index parameters which reflect the burden of pro se cases upon the courts.

	Docket (Number of entries)	Time (Number of days)	Time-Docket
Average	19.76	183.46	63.78
Minimum	2	2	0.08
Maximum	151	888	387.84
Standard Deviation	24.48	185.04	116.02

The average non-prisoner pro se action lasts approximately six months from the date of filing to termination and requires about 20 entries on the docket. The standard deviation figure provides an indication of how the sample spread out around the average and can be used to determine useful figures. For example, the standard deviation for time reveals that half of the cases were terminated within 313 days, or approximately ten months. Over two-thirds of the cases were finished within a year and it took over a year and a half to close out 95% of the cases in the sample.³⁵ In comparison, the median time for disposition of all civil cases (pro se and non-pro se alike) in the Northern District of California was only seven months.³⁶

Some claims tend to be more burdensome than others. The following charts match up the type of claim with the average time for disposition and average number of docket entries.

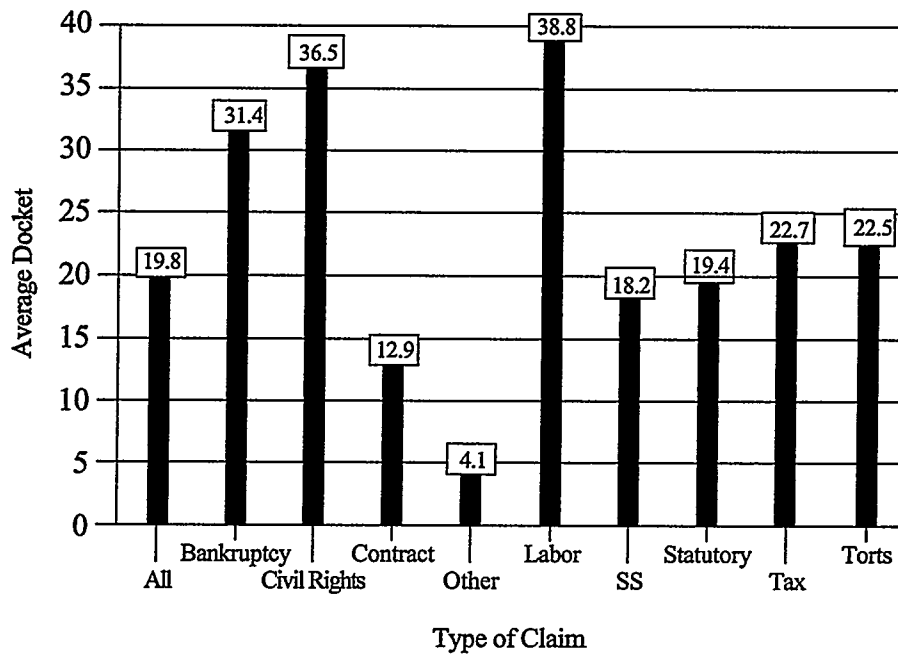
appeal filings. See FEDERAL COURT MANAGEMENT STATISTICS 1994; Administrative Office of the United States Courts, FEDERAL JUDICIAL WORKLOAD STATISTICS 1993.

34. While the number of civil appeal filings was readily available, the number of civil terminations could not be found. Consequently, the figure for total terminations (including civil and criminal) was used along with the figure for total appeal filings.

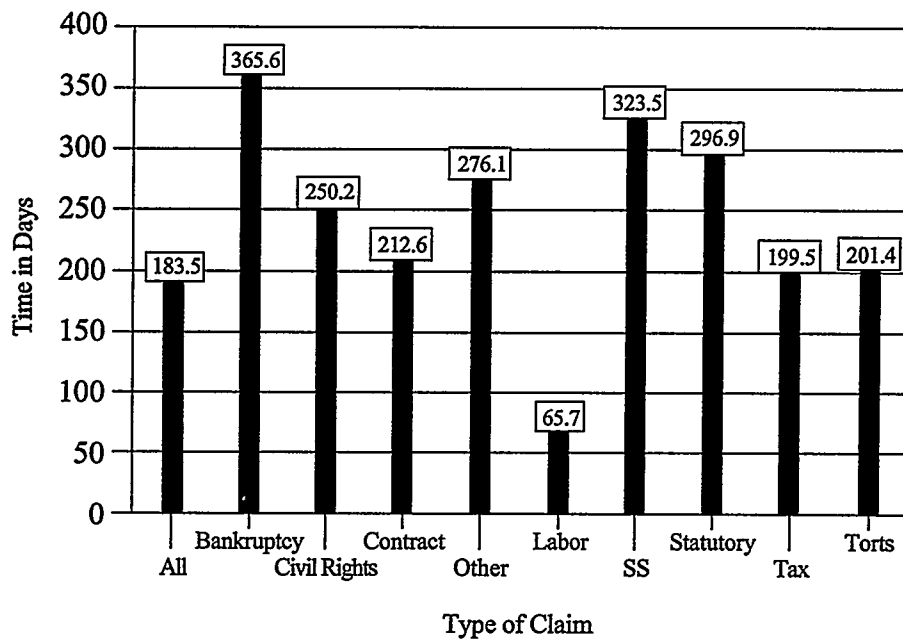
35. Half of the sample lies within approximately 0.7 standard deviations from the average. A little over two-thirds of the sample lies within one standard deviation of the average. Ninety-five percent of the sample lies within two standard deviations of the average. These coefficients can be found in most statistical texts. See, e.g., DAVID FREEDMAN, ET AL., STATISTICS app. at 70 (1980).

36. FEDERAL COURT MANAGEMENT STATISTICS 1994. The two figures are not perfectly compatible. The statistic for the Northern District of California reflects data for the entire district while the study here only regards cases in San Francisco. Furthermore, the relevant year for the Northern District of California statistic runs from September 1992 to September 1993 while the year for this study begins in January 1993 and ends in December 1993.

9. Claims and Average Docket



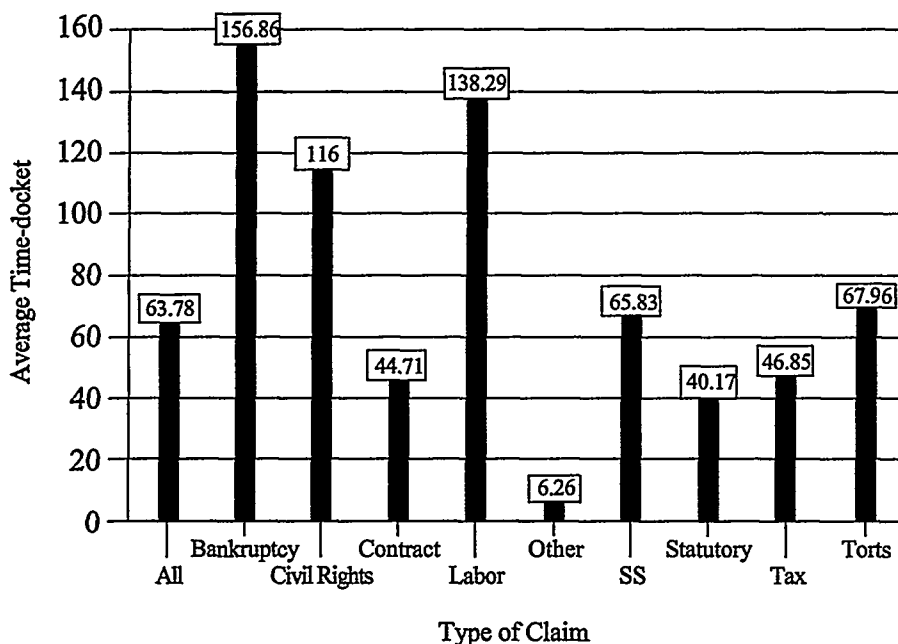
10. Claims and Average Time



The charts highlight the disparity in termination time and docket burden across the different types of claims. In particular, even though disbarment proceedings make up the largest portion of non-prisoner pro se cases, they do not tend to burden the court heavily on a case-by-case basis. Labor claims, in contrast, tend to be quite intense, requiring an average of almost 39 docket entries despite lasting typically only 276 days.

The time-docket index compares the relative average combined burden for each type of claim. The range varied from 0.08 to 387.84. The following chart provides the average index figures for each type of claim.³⁷

11. Claims and Time-Docket Index



It is apparent that bankruptcy, labor, and civil rights claims tend to take up the most time and require greater court involvement on average. Unfortunately, this data does not provide an idea of the relative burden of pro se litigation as compared to general civil litigation in federal courts. In order to make such a comparison, similar figures would have to be calculated on the district level.

37. See *supra* Part II.B.13 for an explanation of this parameter.

B. Cross-Referencing the Results

This section examines the data in sub-samples. First, the results for civil rights claims are analyzed in isolation to better understand how to handle these claims when a pro se litigant is involved. Second, this study focuses upon cases that were ultimately settled in order to observe how the parameters differ within one type of disposition. Third, the study takes a brief look at the sub-samples of claims that are appealed. Fourth, it examines claims involving an *in forma pauperis* litigant or applicant. Fifth, the sample is whittled down to include only actions involving a government participant. Finally, the groups of claims where the plaintiff is pro se are examined.

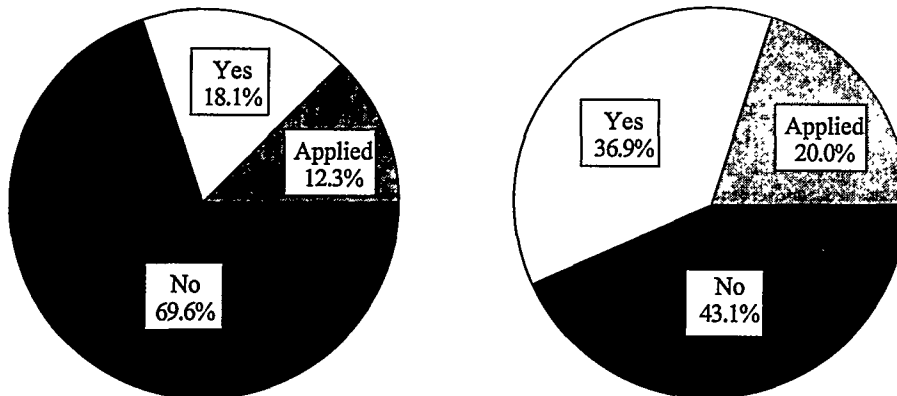
(1) By Claim—Civil Rights Claims

Of the 227 cases selected in the sample, 65 actions were filed as civil rights claims (including employment discrimination and housing claims). When this sub-sample was further examined, the resulting parameters diverged significantly from the remainder of the sample in many aspects.

First, as could be expected, pro se litigants with civil rights claims were overwhelmingly participating as plaintiffs. Only one civil rights case had a pro se defendant.

Furthermore, a greater percentage of pro se litigants either applied for or received *in forma pauperis* status in civil rights cases than in other types of cases. In chart 12, the left-hand chart repeats the data for the entire sample while the right-hand chart reflects results from only the civil rights claims sub-sample. The comparison reveals that *in forma pauperis* applicants are concentrated in civil rights actions.

12. Comparison of *In Forma Pauperis* Applications General Sample v. Civil Rights Sample



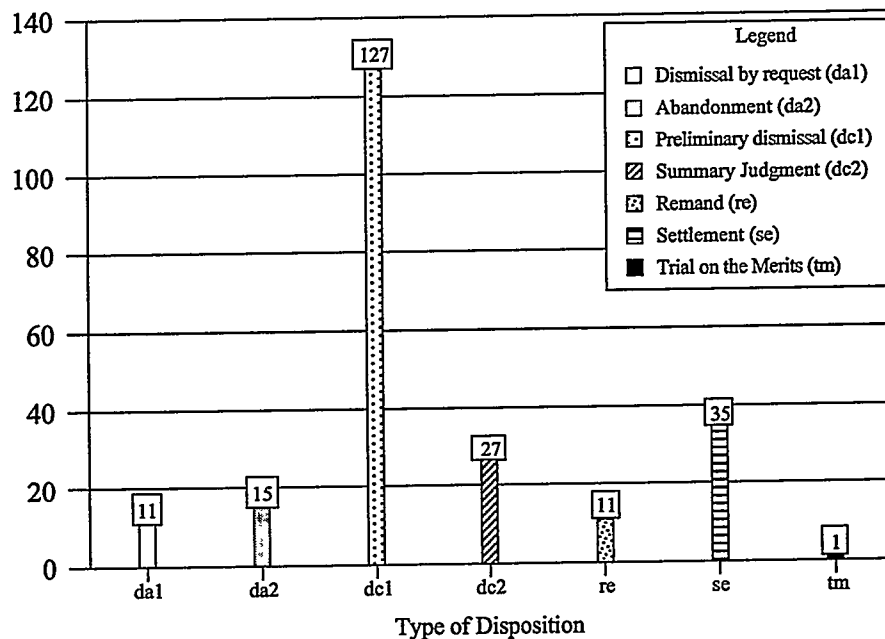
Second, the summary figures for the civil rights sub-sample indicate that pro se civil rights litigation tends to be relatively more burdensome than other types of claims. While the average number of docket entries for the entire sample is slightly above 19, the average for the civil rights sub-sample is over 35. While the average pro se case lasted 183 days, the civil-rights sub-sample average is over one-third longer, at almost 250 days. Finally, comparing the time-docket index parameters reveals that the average for civil rights claims, 116, is almost twice the average for pro se claims in general, 63.8.

Fifteen of the sixty-five cases, or 23%, included a Request for Appointment of Counsel. This figure is much higher than the figure for the general pro se population which filed Requests for Appointment of Counsel in only 8% of the cases surveyed. Appointments of counsel were also concentrated within these claims. Over 15% of the pro se litigants with civil rights claims received counsel at some point during the litigation.

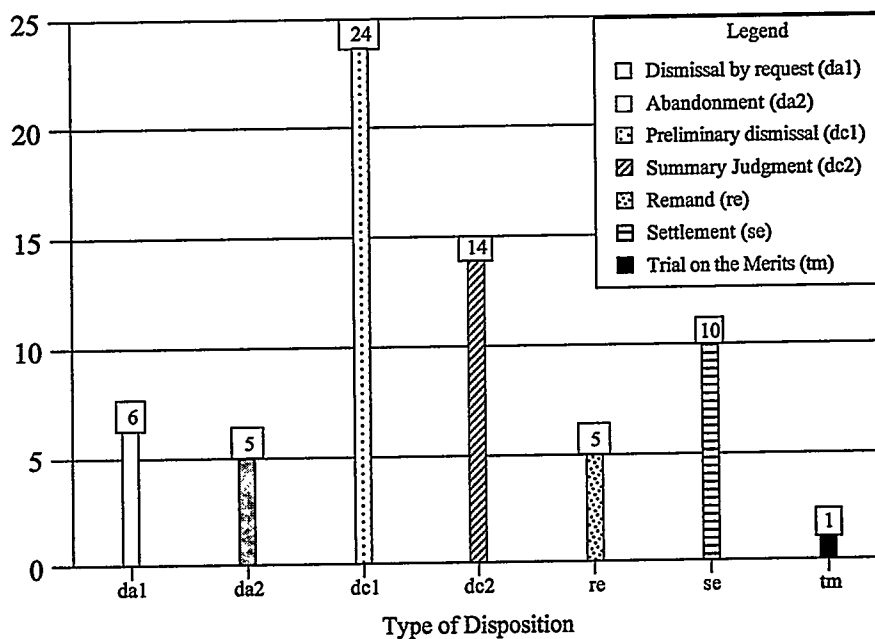
One parameter, however, did not vary much with the general sample results. Note that the patterns in the data presented in Charts 13 and 14 are similar. Chart 14 reflects the different types of dispositions for the civil rights sub-sample while Chart 13 presents the same for the general sample. In fact, the rate of settlement among civil rights claims in the sub-sample, 15.4%, was nearly identical to the rate in the general sample.³⁸

38. Interestingly, all ten of the settled claims were employment discrimination claims. None were 42 U.S.C. § 1983 or housing claims.

13. Dispositions for General Sample



14. Dispositions for Sub-Sample



Finally, pro se civil rights actions are appealed more often than other pro se claims on average. Twenty-six percent of the civil rights cases in the sample were appealed. This compares to the rate of slightly over 11% for the general sample.

(2) *By Disposition—Cases that Settled*

Within the sample, 35 out of the 227 cases in the general sample ended in a settlement between the parties. Although this number is not high, it is nonetheless significant and calls for further inquiry. A closer examination may provide insights to the court as to what types of cases are more likely to settle when a pro se litigant is involved.

The results suggest that settlement is more likely to occur when the pro se litigant is the defendant. Pro se defendants are disproportionately represented within this sub-sample as compared to their representation in the general sample. Of the 35 actions that settled, 15 cases, or 43%, involved pro se defendants. This may, perhaps, reflect inferior bargaining power, but a reliable determination cannot be made without deeper inquiry into the individual terms of the various settlements.

Furthermore, a comparatively large percentage of settled cases, 40%, were referred to a magistrate judge or special master at some point during the litigation. As cases are often referred for the purpose of settlement, this result is not surprising.

In contrast, the indigency of the litigant does not appear to correspond with either predisposition or resistance to settlement. Twenty percent of the settled cases involved a pro se litigant proceeding *in forma pauperis*. This figure does not vary greatly with the 18% of pro se litigants granted *in forma pauperis* status in the larger sample.

Finally, analysis of the type of claims that are settled leads to some interesting results. Employment discrimination and tort claims together dominate the sub-sample. Both claims together comprise over half (54%) of the claims that reached settlement. Labor claims constitute 20%. Other types of claims represented include bankruptcy, contract, property rights, and tax.

(3) *Cases Appealed*

An examination of which cases tend to be appealed may provide the appellate courts with insight about pro se litigants. Most appeals were made by pro se plaintiffs. Of the 26 actions appealed, 22 involved pro se plaintiffs.

Pro se litigants who appeal their cases are largely indigent and often have been granted *in forma pauperis* status. Almost 54% of the cases appealed involved a pro se litigant proceeding *in forma pauperis*. The waiver of filing fees is a plausible explanation for this trend. Ap-

pellate filing fees serve as an initial deterrent to frivolous appellate filings. If fees are waived for indigent litigants, the deterrent effect is muted.

Furthermore, cases involving government agencies or entities also make up a significant percentage of the appeals. Over 42% of claims that are appealed involve a government litigant on either side. This result is greater than the 27% figure for the same parameter in the overall sample.

(4) *Cases with In Forma Pauperis Status Applicants and Grantees*

Seventy cases constitute the sub-sample of *in forma pauperis* status applicants and grantees. The results from two parameters stand out. The first result supports an earlier finding. The type of claims most often brought by *in forma pauperis* applicants are civil rights claims for employment discrimination, housing discrimination, and other civil rights actions. Almost 56% of this sub-sample filed civil rights claims. This result further confirms the strong correlation between pro se litigation and civil rights actions.

Another unsurprising result is the comparatively higher number of requests for appointment of counsel made by *in forma pauperis* applicants. Twenty percent of *in forma pauperis* applicants requested counsel, as opposed to the 8% application rate in the general sample.³⁹ In addition, success in obtaining counsel was slightly higher in the sub-sample (10%) than in the general sample (around 8%).

Finally, the rate of referral to magistrate judges or special masters does not deviate greatly from the findings in the larger sample. Seventeen percent of *in forma pauperis* applicants have their cases referred to a magistrate judge or special master, while 12% of pro se cases in the larger sample are referred. This result may serve to undermine perceptions that poor and often illiterate pro se litigants are received unequally by the courts and relegated to appear before special masters and magistrate judges instead of District Court judges.

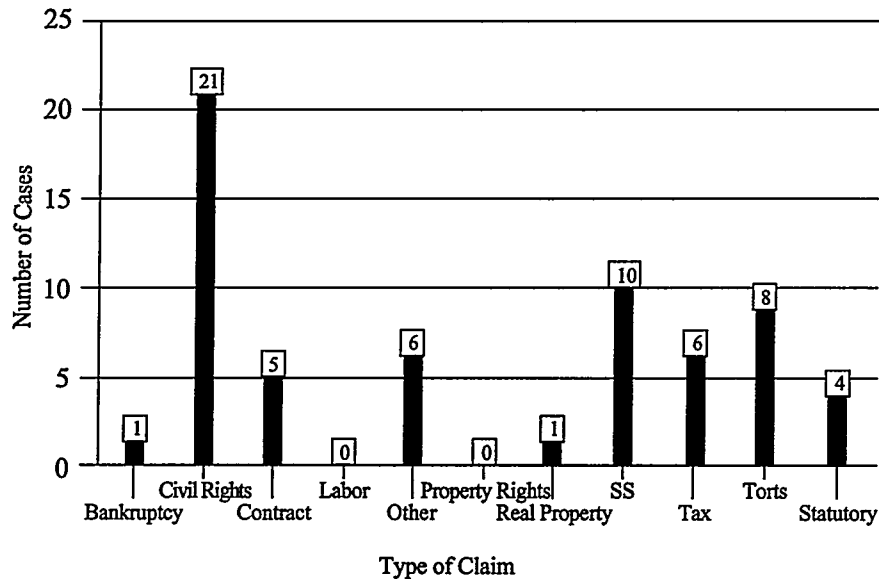
(5) *Cases with a Government Litigant*

Sixty-two cases from the sample involved a government litigant. Within this sub-sample 78% of the actions were brought by pro se plaintiffs against a government entity. The remaining 22% of the sub-sample appear to be civil prosecutorial actions brought by the government against pro se defendants.

Chart 15 shows the distribution of the sub-sample across the various types of claims.

39. See *infra* Part IV.A.2.

15. Gov't Litigant Sub-Sample

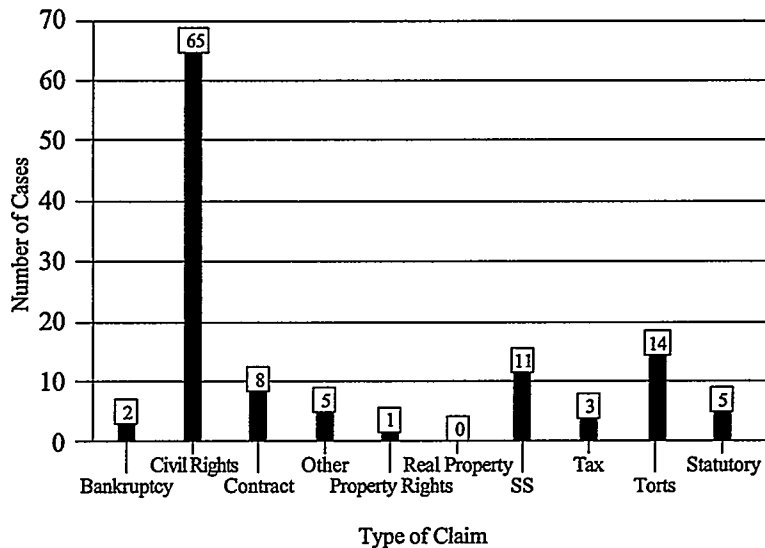


Unsurprisingly, the greatest number of claims involving a government entity are civil rights actions. Most of these actions are likely to be 42 U.S.C. section 1983 claims for discrimination under color of law. Social security claims are the second most prevalent.

(6) Cases with Pro Se Plaintiffs

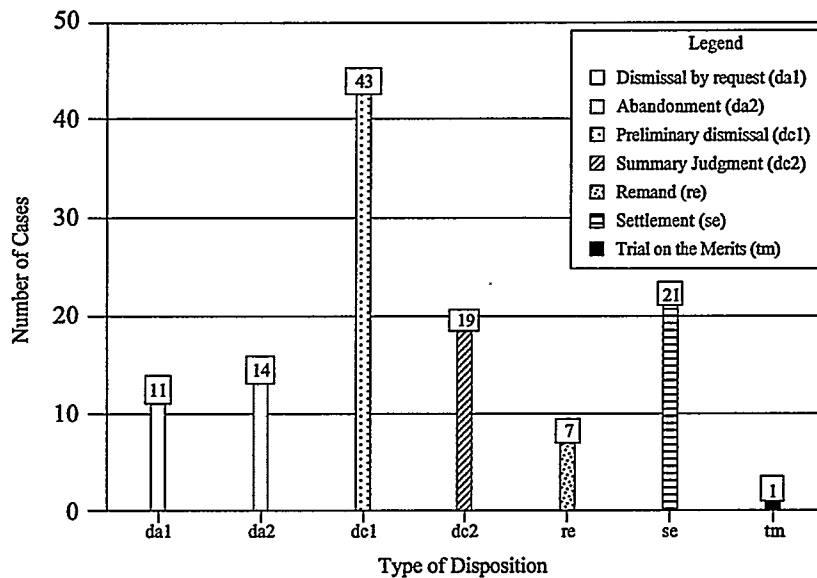
Limiting the sample to only pro se plaintiffs focuses the analysis upon the group most commonly thought to represent pro se litigation. Of the overall sample, 116 cases form this sub-sample. Two parameters, type of claim and disposition, are charted below.

16. Plaintiffs and Type of Claim



Again, civil rights claims appear to share a strong correlation with pro se plaintiffs. The remaining types of claims do not appear to stand out significantly. Chart 17 resembles its more general counterpart.⁴⁰

17. Plaintiffs and Dispositions



40. See *supra* Chart 7.

The greatest number of dispositions occurs under a motion to dismiss brought by the opposing party. This appears consistent with the general perception that many pro se plaintiffs bring meritless claims and face great difficulty following procedural rules. In addition, the settlement rate of 17% is higher than one might expect from pro se plaintiffs. This figure may work to dispel the stereotype of the recalcitrant, uncompromising pro se plaintiff. Nevertheless, further research must be done, particularly into the type of settlements reached, in order to fully support such a conclusion.

C. Potential Bias and Error

As with every statistical study, there are potential sources of bias that should be kept in mind when reviewing these results. While it is difficult to precisely define parameters and classify data that is often highly qualitative, this study attempts to capture the relevant characteristics of non-prisoner pro se litigation. It is important, however, to discuss the limitations of the data.

The first source of bias is chance error. Such error derives from the fact that the study does not include data for the entire population of pro se litigants and instead makes inferences based upon a sample. Chance error is unavoidable with any sample and simply recognizes that not every sample will be purely random and representative of the general population. The approximate level of error for a sample of the size used here ranges between 3% and 5% error. Consequently, extrapolation of the results from this sample to form conclusions regarding all pro se litigants in San Francisco must be made with this correction factor in mind.

In addition, selection bias requires further unquantifiable correction for inferences made regarding pro se litigation nationwide. On a national level, selection bias first occurs due to the inclusion of only cases filed in San Francisco. The character and parameters of pro se litigation are likely to vary across regions. General litigation in federal courts varies considerably across different states and circuits. Therefore, pro se litigation probably varies as well.

Other selection bias is also inevitable. In selecting the sample, approximately one-third of all the pro se cases in San Francisco were chosen in chronological order. A sample should be selected randomly to allow the law of averages to dictate generate representation. The order of filing is random as long as chronology bears no significant relationship to the parameters defined. Here, choosing every third action filed insures representation throughout the year and adjusts for seasonal irregularities (such as a large corporate layoff causing a spurt of labor or employment-related claims).

Another potential source of selection bias may be the decision to include only terminated cases in the study. The year 1993 was chosen to balance relative proximity in years (two years) against potential bias where the population pool would tend to include cases which finish more quickly (within two years). At least two full years elapsed between the date of filing and the time of the study which allowed most cases to terminate naturally.⁴¹ The sample may, however, be inevitably biased toward cases that terminate earlier. In particular, the low showing for cases that proceeded to trial on the merits or reached settlement may be explained by this bias. It is, therefore, likely that these figures are misleadingly deflated but by how much is unclear. The time parameter is also inevitably distorted by such a bias, as longer cases were necessarily excluded from the sample because they had not yet terminated at the time the study was conducted.

Finally, a ubiquitous source of bias is human error. Compiling the data often required close judgment calls and individual interpretations of qualitative data. Furthermore, the raw data compilation also depends upon judgments made by others. For example, the type of claim factor relies heavily upon the party filing the action to correctly characterize his or her claims when filing. This study assumes the correct characterization for all claims filed, although it is unrealistic to do so. Also, the selection of the sample relied upon the initial list of pro se litigants provided by the court and assumes that all the non-prisoner pro se cases were successfully identified and included. These factors must be assumed to have been correctly executed despite the probability of error along the way.

IV. Analysis and Conclusions

Three general conclusions may be drawn from this study subject to further statistical support. First, non-prisoner pro se litigation tends to involve predominantly civil rights claims (disregarding disbarment proceedings⁴²), which substantially burden the court in terms of time and activity. Second, the belief that pro se litigants are generally adverse to settlement may be unfounded. Third, most pro se litigants

41. Altogether, 725 non-prisoner pro se cases were filed in 1993. As of February 1996, 683 of these cases had been terminated and consequently considered for inclusion in the sample. Forty-two cases which had not yet been terminated were excluded from consideration although they were filed in 1993.

42. Because disbarment proceedings place a relatively low burden upon the court per proceeding and usually appear only to require an exercise in formality, the implication of these proceedings upon judicial administration is not addressed in this paper. Nevertheless, if the number of proceedings proves burdensome, reconsideration is deserved. The results here do not suggest that the absolute number of disbarment proceedings, approximately 73 in the sample (estimated 210 to 220 in the population), presents any significant administrative problem to federal courts.

are not indigent (not eligible for *in forma pauperis* status as defined by 29 U.S.C. § 1915) and proceed pro se because they are simply unable to afford counsel.

The first conclusion, that civil rights claims dominate non-prisoner pro se litigation, actually confirms the anecdotal experiences of most who have had dealt with pro se litigation. This study provides hard numbers to work with and hopefully guide judicial efforts to meet the challenge of the rising tide of civil rights pro se litigation. The creation of a federal small claims calendar for pro se litigants,⁴³ for example, might prove a plausible solution if these calendars could be adjusted to take into account the average length of time required to resolve housing discrimination, employment discrimination, and other civil rights claims efficiently and effectively. Because these claims tend to take relatively longer, scheduling a pro se calendar would require a substantial commitment from federal judges. Furthermore, it would be important to avoid creating an overly mechanized process to review civil rights claims which often carry highly emotional overtones.

In addition, the substantial settlement rate among pro se litigants in this study causes one to question the general perception that pro se litigants are recalcitrant and inflexible with their claims. Alternative dispute resolution (ADR) programs are often considered unviable with pro se cases because of this perception. If, as the results from this study suggest, pro se litigants are more willing to settle than previously believed (especially in light of the high settlement rate among employment discrimination cases), ADR options could be flexibly applied and used to help meet the demand of rising pro se litigation. Assuming that federal magistrate judges or special masters facilitate fair and fruitful negotiation and settlement talks, federal judges should accordingly be encouraged to refer cases to magistrate judges or special masters more often. While there are inevitably cases with negligible settlement possibilities, the results here tend to show that the decision to settle may be more related to other factors (such as the type of claim) than to whether or not a litigant proceeds pro se.

Finally, the high number of pro se litigants who never apply for *in forma pauperis* status (plus those who are denied such status) implies that the possibility of pursuing a claim in federal court with the aid of counsel is financially out of reach for many people, including those who are not poor. The rising number of pro se litigants supports this conclusion. To assure equal access to justice, the courts must face the growth of pro se litigation in light of its broader implications. With lawyers' fees rising, the federal courts face a rising tide of pro se litigants and must seek solutions either to make the courts more navigable

43. See Schwarzer, *supra* note 6, at 221.

ble to these parties or to help provide better avenues for procuring counsel.

V. Suggestions for Further Study

The need for further statistical study of the pro se phenomenon is necessary to better understand how to meet the unique challenges that it poses. This part proposes other possible approaches and some suggestions to modify this study for future examination.

One next step would be to conduct a study of different time periods to map trends in pro se litigation across time. The study here only provides a snapshot of pro se litigation in one district in one year. Especially when charting the types of claims that are filed by pro se litigants, it is important to account for not only seasonal variation, but also changes in political and social temperament and the law.

Furthermore, a larger sample should be selected. It would be useful to include data from other courts as volume and composition of filings vary across districts. This study focused upon filings in San Francisco. The character of pro se filings in Boise, Idaho, for example, would probably differ significantly. A comparison with state and local pro se filings could also prove insightful.

One of the limitations of this study is the incompatibility between the parameters measured here and those available for federal litigation overall. A statistical study of pro se litigation that uses similarly defined parameters of measurement as those used by the Administrative Office of the Courts to compile Federal Judicial Workload Statistics would be helpful for comparative purposes. Such a study would be especially useful to place pro se litigation in the larger overall context of federal judicial management.

Finding counsel for pro se litigants is another challenge that should be studied further. While this study only examined whether the pro se litigant requested appointment of counsel and whether one was ultimately found, the courts' process of finding and seeking counsel on behalf of pro se litigants could be improved. Statistics on the success rate of pro bono bar association efforts may be useful in this regard. Such a study may require more qualitative than statistical analysis.

Finally, the burden of pro se litigation upon the appellate courts should be studied. An examination of appellate level pro se filings may be useful to create a larger picture of pro se litigation for the entire circuit. Further, the challenge posed by pro se litigation for appellate courts differs significantly from the difficulties faced by the district courts where there is more face-to-face interaction between the court and the pro se litigant.

U.S. Courts of Appeals — Judicial Business 2025

Filings in the 12 regional courts of appeals rose 5 percent to 41,824 in 2025. Growth occurred in filings of U.S. prisoner petitions, U.S. civil appeals, private civil appeals, bankruptcy appeals, appeals of administrative agency decisions, and original proceedings and miscellaneous applications. Reductions occurred in filings of criminal appeals and private prisoner petitions.

Appeals by pro se litigants, which constituted 50 percent of new filings, climbed 9 percent to 20,878 cases. Thirty-five percent of all filings by pro se litigants were prisoner petitions. Eighty-eight percent of the 8,430 prisoner petitions received were filed pro se, as were 85 percent of the 3,544 original proceedings and miscellaneous applications.

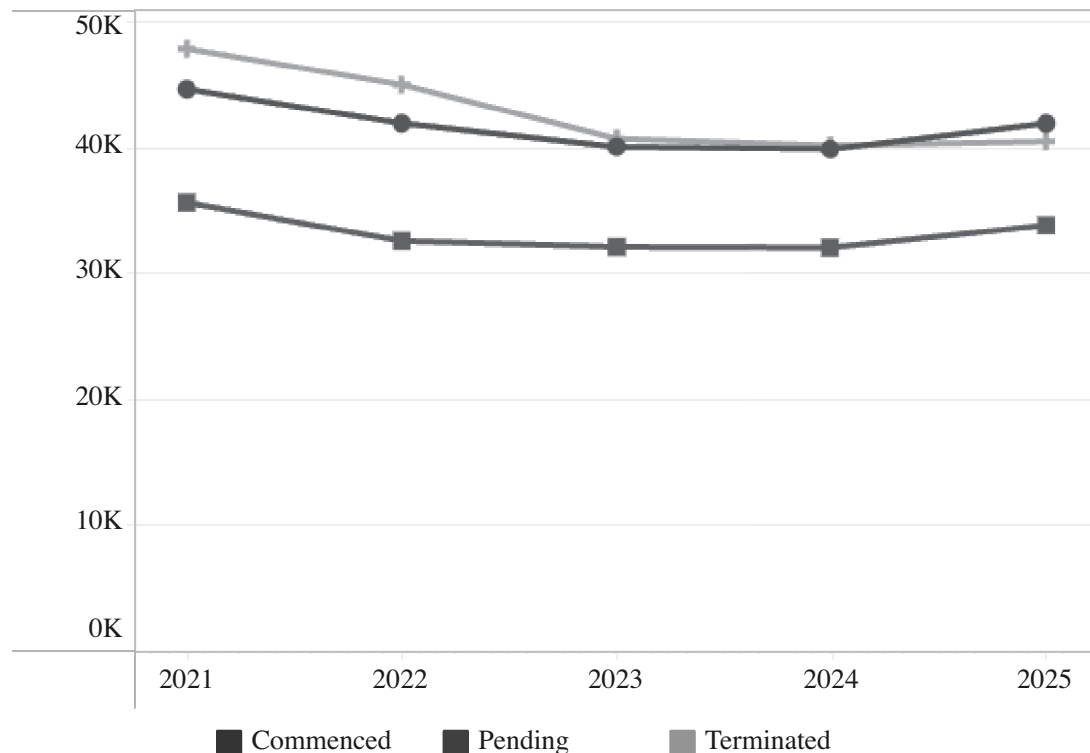
Most filings (77 percent) arose from cases originating in the U.S. district courts. Civil appeals, which amounted to 55 percent of total filings in the courts of appeals, rose 7 percent to 22,812.

Table 1
U.S. Courts of Appeals
Appeals Filed, Terminated, and Pending
Fiscal Years 2021–2025

Year	Authorized Judgeships	Filed Number	Filed Cases per Panel	Terminated Number	Terminated Cases per Panel	Pending
2021	167	44,546	800	47,748	858	35,552

Year	Authorized Judgeships	Filed Number	Filed Cases per Panel	Terminated Number	Terminated Cases per Panel	Pending
2022	167	41,839	752	44,902	807	32,512
2023	167	39,987	718	40,636	730	32,039
2024	167	39,788	715	40,086	720	31,972
2025	167	41,824	751	40,411	726	33,748
Percent Change 2024–2025	-	5.1	5.0	0.8	0.8	5.6

Appeals Cases Filed, Terminated, and Pending
12-Month Reporting Periods Ending September 30



Criminal appeals, which accounted for 22 percent of total filings in the courts of appeals, fell 7 percent to 9,392. Reductions occurred in appeals in cases involving drug offenses, firearms and explosives offenses, sex offenses, justice system offenses, regulatory offenses, and unclassified offenses. Appeals in cases addressing violent offenses, property offenses, immigration offenses, general offenses, and traffic offenses increased.

Administrative agency appeals rose 12 percent to 5,611 and represented 13 percent of total filings in the courts of appeals. Appeals of Board of Immigration Appeals (BIA) decisions, which grew 15 percent, constituted 80 percent of administrative agency appeals. Sixty-five percent of BIA appeals were filed in the Ninth Circuit, and 11 percent were filed in the Second Circuit.

Original proceedings and miscellaneous applications filed in the courts of appeals climbed 18 percent to 3,544. Bankruptcy appeals increased 2 percent and amounted to 1 percent of total appellate filings.

Case terminations went up 1 percent to 40,411. As filings exceeded terminations, pending cases rose 6 percent to 33,748.

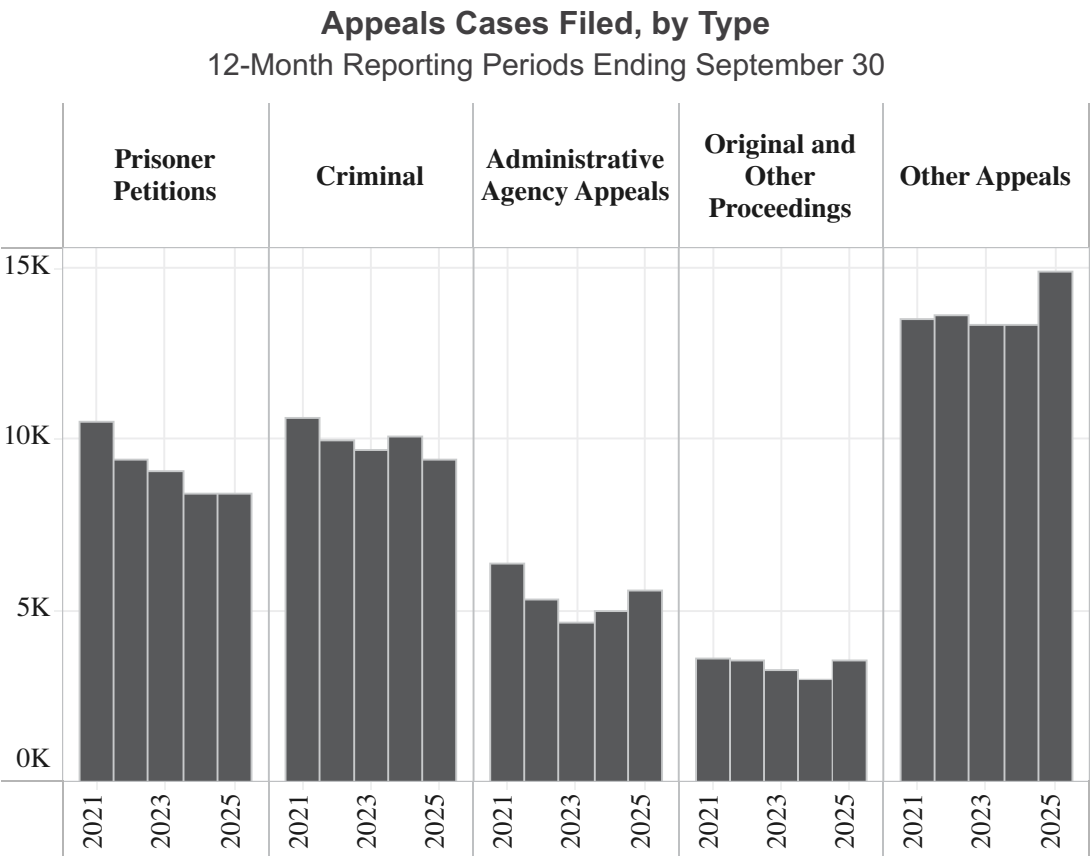
Since 2021, filings in the courts of appeals have declined 6 percent. Bankruptcy appeals have dropped 37 percent. Prisoner petitions have decreased 20 percent. Criminal appeals and administrative agency appeals both have fallen 12 percent, and original proceedings and miscellaneous applications have gone down 1 percent. Other civil appeals filings have increased 13 percent.

For data on the activity of the U.S. courts of appeals, see Table 1 and Table 2 and the [B series of tables](#).

Table 2
U.S. Courts of Appeals
Sources of Appeals
Fiscal Years 2024 and 2025

	2024	2025	Percent Change
Total	39,788	41,824	5.1
U.S. District Courts			

	2024	2025	Percent Change
Criminal	10,067	9,392	-6.7
Civil — Total	21,270	22,812	7.2
Prisoner Petitions	8,388	8,430	0.5
U.S. Civil	2,365	2,616	10.6
Private Civil	10,517	11,766	11.9
Other Appeals			
Bankruptcy	457	465	1.8
Administrative Agency	4,992	5,611	12.4
Original Proceedings and Miscellaneous Applications	3,002	3,544	18.1
Note: This table excludes data for the U.S. Court of Appeals for the Federal Circuit.			



Bankruptcy Appellate Panels

The Bankruptcy Appellate Panels (BAPs) reported that total filings rose 4 percent (up 14 appeals) to 329 in 2025. BAPs are three-judge panels authorized to hear appeals of bankruptcy court decisions. BAPs are units of the federal courts of appeals, and each BAP must be established by a circuit judicial council. Five federal judicial circuits—the First, Sixth, Eighth, Ninth, and Tenth Circuits—have BAPs.

BAP filings increased 17 percent in the Eighth Circuit (up 2 appeals), 15 percent in the Ninth Circuit (up 31 appeals), and 19 percent in the Tenth Circuit (up 6 appeals). Filings dropped 43 percent in the First Circuit (down 16 appeals) and 32 percent in the Sixth Circuit (down 9 appeals). BAP case filings tend to lag bankruptcy case filings by one to two years.

Since 2021, BAP filings have fallen 19 percent (down 79 appeals). All five BAP circuits reported reductions in filings over this period. The Ninth Circuit had the greatest numeric decline, a decrease of 32 appeals (down 12 percent). The Tenth Circuit had 17 fewer appeals (down 31

percent), the Sixth Circuit had 15 fewer appeals (down 44 percent), the First Circuit had 12 fewer appeals (down 36 percent), and the Eighth Circuit had 3 fewer appeals (down 18 percent).

For data on the activity of the BAPs, see [Table BAP-1](#) and [Table BAP-2](#).

U.S. Court of Appeals for the Federal Circuit

The jurisdiction of the U.S. Court of Appeals for the Federal Circuit is defined by subject matter rather than by geographic boundaries. This court is responsible for appeals involving customs and patents; rulings by the U.S. Court of Federal Claims, U.S. Court of International Trade, and U.S. Court of Appeals for Veterans Claims; and decisions by several federal administrative bodies.

Filings in the Federal Circuit dropped 13 percent to 1,270 in 2025 (down by 198 cases). The largest numeric decrease was a reduction of 95 cases in appeals of decisions by the Merit Systems Protection Board (down 32 percent). The largest numeric increase was a rise of 7 cases in petitions for writs of certiorari (up 15 percent). The highest numbers of filings were reported for appeals of decisions by the Patent and Trademark Office (349 cases), the U.S. district courts (309 cases), and the Merit Systems Protection Board (206 cases).

Terminations of cases rose 8 percent to 1,498. The number of pending cases went down 13 percent to 1,500.

Filings in the Federal Circuit were 20 percent lower in 2025 than in 2021 (down 312 appeals). The largest numeric reduction occurred in appeals of decisions by the U.S. Court of Federal Claims, which fell by 176 appeals to 154 (down 53 percent). The largest numeric growth occurred in appeals of decisions by the Merit Systems Protection Board, which rose by 76 appeals to 206 (up 58 percent). Since 2021, case terminations have risen by 9 percent (up 128 appeals), and pending cases have climbed 4 percent (up 51 appeals).

For data on the activity of the U.S. Court of Appeals for the Federal Circuit, see [Table B-8](#).

Judicial Business 2025

Judicial Business 2025

[Judicial Caseload Indicators](#)

[Post-Conviction Supervision](#)

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Table B-1.

U.S. Courts of Appeals—Cases Commenced, Terminated, and Pending, by Circuit and Nature of Proceeding, During the 12-Month Period Ending September 30, 2025

Circuit and Nature of Proceeding	Filed			Terminated									
	Total	Original	Reopened	On Procedural Grounds			On the Merits						
				Total	By Consolidation	By Judge	By Staff	Total	By Consolidation	After Oral Argument	After Submission on Brief		
Total	41,824	39,239	2,585	40,411	14,442	67	3,293	11,082	25,969	1,651	5,798	18,520	33,748
Criminal	9,392	9,268	124	9,917	2,370	3	371	1,996	7,547	585	1,416	5,546	9,023
U.S. Prisoner Petitions	2,375	2,266	109	2,349	854	-	142	712	1,495	51	118	1,326	1,444
Other U.S. Civil	2,616	2,504	112	2,509	1,053	6	315	732	1,456	93	459	904	2,009
Private Prisoner Petitions	6,055	5,751	304	6,102	2,755	1	717	2,037	3,347	110	337	2,900	3,562
Other Private Civil	11,766	11,332	434	10,766	4,676	54	1,235	3,387	6,090	488	2,526	3,076	9,625
Bankruptcy	465	423	42	919	208	-	53	155	711	63	486	162	415
Administrative Agency Appeals	5,611	4,194	1,417	4,427	1,740	3	367	1,370	2,687	233	439	2,015	6,788
Original Proceedings and Miscellaneous Applications	3,544	3,501	43	3,422	786	-	93	693	2,636	28	17	2,591	882
DC	1,095	1,088	7	1,162	460	4	120	336	702	118	194	390	1,413
Criminal	152	152	-	252	52	1	5	46	200	24	29	147	169
U.S. Prisoner Petitions	54	54	-	46	23	-	7	16	23	4	7	12	50
Other U.S. Civil	345	341	4	268	100	1	31	68	168	6	56	106	282
Private Prisoner Petitions	7	7	-	11	9	-	5	4	2	-	-	2	2
Other Private Civil	162	161	1	185	72	1	17	54	113	11	39	63	146
Bankruptcy	2	2	-	2	1	-	1	-	1	-	-	1	2
Administrative Agency Appeals	269	267	2	309	151	1	22	128	158	72	62	24	732
Original Proceedings and Miscellaneous Applications	104	104	-	89	52	-	32	20	37	1	1	35	30
1st	1,082	1,063	19	1,013	396	4	101	291	617	45	205	367	1,573
Criminal	277	277	-	288	108	-	24	84	180	25	61	94	431
U.S. Prisoner Petitions	52	52	-	61	21	-	5	16	40	2	7	31	64
Other U.S. Civil	95	93	2	84	36	-	7	29	48	2	19	27	133
Private Prisoner Petitions	67	67	-	66	28	-	4	24	38	-	5	33	95
Other Private Civil	390	382	8	333	155	4	49	102	178	10	81	87	566
Bankruptcy	31	24	7	21	12	-	4	8	9	-	2	7	48
Administrative Agency Appeals	93	91	2	93	28	-	6	22	65	6	30	29	178
Original Proceedings and Miscellaneous Applications	77	77	-	67	8	-	2	6	59	-	-	59	58

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Table B-1. (September 30, 2025—Continued)

Circuit and Nature of Proceeding	Filed			Terminated								Pending	
	Total	Original	Reopened	On Procedural Grounds			On the Merits						
				Total	By Consoli- dation	By Judge	By Staff	Total	By Consoli- dation	After Oral Argument	After Submission on Brief		
2nd	3,270	3,137	133	3,849	1,285	11	242	1,032	2,564	178	1,211	1,175	3,315
Criminal	604	599	5	715	175	-	16	159	540	53	235	252	831
U.S. Prisoner Petitions	140	136	4	156	44	-	8	36	112	9	15	88	96
Other U.S. Civil	212	202	10	208	93	1	21	71	115	11	49	55	162
Private Prisoner Petitions	262	256	6	320	162	-	38	124	158	7	31	120	173
Other Private Civil	1,255	1,213	42	1,245	524	10	101	413	721	65	434	222	1,094
Bankruptcy	55	50	5	492	54	-	25	29	438	21	411	6	43
Administrative Agency Appeals	531	470	61	517	187	-	32	155	330	12	32	286	845
Original Proceedings and Miscellaneous Applications	211	211	-	196	46	-	1	45	150	-	4	146	71
3rd	2,544	2,502	42	2,504	887	4	226	657	1,617	85	148	1,384	1,925
Criminal	424	417	7	453	128	-	30	98	325	21	29	275	471
U.S. Prisoner Petitions	142	140	2	133	45	-	11	34	88	-	4	84	95
Other U.S. Civil	123	120	3	111	44	-	13	31	67	6	14	47	88
Private Prisoner Petitions	397	391	6	453	163	-	56	107	290	1	14	275	209
Other Private Civil	870	859	11	830	349	4	90	255	481	33	63	385	710
Bankruptcy	59	54	5	76	28	-	9	19	48	19	8	21	41
Administrative Agency Appeals	273	269	4	196	68	-	17	51	128	5	16	107	254
Original Proceedings and Miscellaneous Applications	256	252	4	252	62	-	-	62	190	-	-	190	57
4th	3,492	3,458	34	3,472	952	4	222	726	2,520	124	414	1,982	2,646
Criminal	1,033	1,023	10	1,142	229	1	22	206	913	49	121	743	948
U.S. Prisoner Petitions	225	222	3	233	56	-	11	45	177	6	13	158	189
Other U.S. Civil	192	188	4	195	61	-	23	38	134	4	38	92	139
Private Prisoner Petitions	584	574	10	581	238	-	55	183	343	17	23	303	345
Other Private Civil	851	846	5	802	234	3	86	145	568	35	181	352	649
Bankruptcy	46	46	-	42	8	-	4	4	34	4	7	23	46
Administrative Agency Appeals	212	211	1	154	56	-	17	39	98	7	29	62	270
Original Proceedings and Miscellaneous Applications	349	348	1	323	70	-	4	66	253	2	2	249	60

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Table B-1. (September 30, 2025—Continued)

Circuit and Nature of Proceeding	Filed			Terminated									
	Total	Original	Reopened	On Procedural Grounds				On the Merits					
				Total	By Consoli- dation	By Judge	By Staff	Total	By Consoli- dation	After Oral Argument	After Submission on Brief		
5th	5,568	5,316	252	5,487	7	495	1,439	1,439	3,546	443	851	2,252	3,348
Criminal	2,006	1,966	40	2,144	-	26	424	424	1,694	189	237	1,268	1,358
U.S. Prisoner Petitions	280	252	28	287	-	12	117	117	158	20	13	125	118
Other U.S. Civil	301	276	25	302	2	80	88	88	132	28	62	42	162
Private Prisoner Petitions	621	570	51	634	-	71	236	307	327	55	54	218	309
Other Private Civil	1,416	1,359	57	1,237	4	237	307	689	689	92	401	196	945
Bankruptcy	57	51	6	63	-	1	16	46	46	8	27	11	45
Administrative Agency Appeals	428	405	23	380	1	62	107	210	210	41	57	112	316
Original Proceedings and Miscellaneous Applications	459	437	22	440	-	6	144	290	290	10	-	280	95
6th	3,442	3,395	47	3,476	5	323	803	803	2,345	153	298	1,894	2,609
Criminal	939	933	6	1,057	-	54	213	790	790	49	67	674	855
U.S. Prisoner Petitions	189	185	4	183	-	19	45	119	119	1	2	116	118
Other U.S. Civil	168	167	1	158	-	30	49	79	79	1	14	64	105
Private Prisoner Petitions	513	499	14	534	-	94	155	285	285	11	21	253	319
Other Private Civil	982	967	15	884	5	116	225	538	538	59	182	297	793
Bankruptcy	14	12	2	12	-	-	2	10	10	-	2	8	11
Administrative Agency Appeals	156	155	1	161	-	8	15	138	138	27	10	101	186
Original Proceedings and Miscellaneous Applications	481	477	4	487	-	2	99	386	386	5	-	381	222
7th	2,419	2,374	45	2,282	11	266	828	828	1,177	70	386	721	2,045
Criminal	512	511	1	449	-	43	131	275	275	25	109	141	598
U.S. Prisoner Petitions	133	128	5	162	-	31	58	73	73	-	14	59	155
Other U.S. Civil	101	101	-	103	-	12	38	53	53	2	30	21	78
Private Prisoner Petitions	630	602	28	549	-	50	275	224	224	7	38	179	516
Other Private Civil	768	759	9	729	11	107	272	339	339	33	173	133	583
Bankruptcy	16	16	-	12	-	4	3	5	5	-	1	4	11
Administrative Agency Appeals	77	75	2	96	-	14	47	35	35	3	21	11	95
Original Proceedings and Miscellaneous Applications	182	182	-	182	-	5	4	173	173	-	-	173	9

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Table B-1. (September 30, 2025—Continued)

Circuit and Nature of Proceeding	Filed			Terminated								Pending	
	Total	Original	Reopened	On Procedural Grounds			On the Merits						
				Total	By Conso- li- dation	By Judge	By Staff	Total	By Conso- li- dation	After Oral Argument	After Submission on Brief		
8th	2,608	2,591	17	2,506	522	-	246	276	1,984	99	318	1,567	1,699
Criminal	939	935	4	945	152	-	55	97	793	41	109	643	729
U.S. Prisoner Petitions	191	191	-	185	18	-	8	10	167	4	6	157	74
Other U.S. Civil	126	125	1	138	40	-	22	18	98	4	26	68	68
Private Prisoner Petitions	401	397	4	387	115	-	65	50	272	1	13	258	164
Other Private Civil	610	602	8	543	154	-	78	76	389	34	148	207	434
Bankruptcy	9	9	-	6	2	-	-	2	4	-	2	2	8
Administrative Agency Appeals	119	119	-	96	33	-	14	19	63	12	14	37	180
Original Proceedings and Miscellaneous Applications	213	213	-	206	8	-	4	4	198	3	-	195	42
9th	9,544	8,041	1,503	8,189	2,811	3	797	2,011	5,378	178	1,132	4,068	8,404
Criminal	924	910	14	876	226	-	29	197	650	33	203	414	995
U.S. Prisoner Petitions	492	481	11	443	86	-	20	66	357	2	24	331	258
Other U.S. Civil	591	565	26	577	198	-	52	146	379	24	113	242	558
Private Prisoner Petitions	1,315	1,278	37	1,380	448	1	243	204	932	8	106	818	857
Other Private Civil	2,357	2,248	109	2,063	907	2	288	617	1,156	63	531	562	2,041
Bankruptcy	110	102	8	119	45	-	3	42	74	8	14	52	117
Administrative Agency Appeals	3,166	1,873	1,293	2,145	850	-	158	692	1,295	39	131	1,125	3,458
Original Proceedings and Miscellaneous Applications	589	584	5	586	51	-	4	47	535	1	10	524	120
10th	1,762	1,743	19	1,676	624	6	139	479	1,052	6	337	709	1,234
Criminal	469	467	2	476	109	-	34	75	367	2	147	218	395
U.S. Prisoner Petitions	102	99	3	111	40	-	7	33	71	-	7	64	76
Other U.S. Civil	107	106	1	102	50	1	15	34	52	-	13	39	77
Private Prisoner Petitions	264	259	5	237	117	-	27	90	120	-	6	114	137
Other Private Civil	584	578	6	531	256	5	46	205	275	3	142	130	419
Bankruptcy	14	14	-	13	4	-	1	3	9	-	2	7	9
Administrative Agency Appeals	107	105	2	88	28	-	6	22	60	1	20	39	110
Original Proceedings and Miscellaneous Applications	115	115	-	118	20	-	3	17	98	-	-	98	11

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Table B-1. (September 30, 2025—Continued)

Circuit and Nature of Proceeding	Filed			Terminated									
	Total	Original	Reopened	On Procedural Grounds					On the Merits				
				Total	By Consoli- dation	By Judge	By Staff	Total	By Consoli- dation	After Oral Argument	After Submission on Brief		
11th	4,998	4,531	467	4,795	2,328	8	116	2,204	2,467	152	304	2,011	3,537
Criminal	1,113	1,078	35	1,120	300	1	33	266	820	74	69	677	1,243
U.S. Prisoner Petitions	375	326	49	349	239	-	3	236	110	3	6	101	151
Other U.S. Civil	255	220	35	263	132	1	9	122	131	5	25	101	157
Private Prisoner Petitions	994	851	143	950	594	-	9	585	356	3	26	327	436
Other Private Civil	1,521	1,358	163	1,384	741	5	20	716	643	50	151	442	1,245
Bankruptcy	52	43	9	61	28	-	1	27	33	3	10	20	34
Administrative Agency Appeals	180	154	26	192	85	1	11	73	107	8	17	82	164
Original Proceedings and Miscellaneous Applications	508	501	7	476	209	-	30	179	267	6	-	261	107

NOTE: This table does not include data for the U.S. Court of Appeals for the Federal Circuit. Beginning in March 2014, data include miscellaneous cases not included previously.

Table B-5A.

U.S. Courts of Appeals—Cases Terminated on Procedural Grounds, by Circuit and Nature of Proceeding,
During the 12-Month Period Ending September 30, 2025

Circuit and Nature of Proceeding	Total Terminated	Terminated on Procedural Grounds											
		Total	By Consolidation	By Judge				By Staff					
				Total	Jurisdictional Defects	FRAP 42'	Default	Cert. of Appealability	Other	Total	FRAP 42'	Default	Other
Total	40,411	14,442	67	3,293	2,466	269	74	20	464	11,082	3,972	5,941	1,169
Criminal	9,917	2,370	3	371	214	44	8	-	105	1,996	1,192	736	68
U.S. Prisoner Petitions	2,349	854	-	142	91	7	26	6	12	712	107	592	13
Other U.S. Civil	2,509	1,053	6	315	254	40	6	-	15	732	300	407	25
Private Prisoner Petitions	6,102	2,755	1	717	644	18	8	14	33	2,037	207	1,768	62
Other Private Civil	10,766	4,676	54	1,235	1,050	98	25	-	62	3,387	1,563	1,734	90
Bankruptcy	919	208	-	53	24	26	-	-	3	155	60	85	10
Administrative Agency Appeals	4,427	1,740	3	367	189	36	1	-	141	1,370	543	619	208
Original Proceedings and Miscellaneous Applications	3,422	766	-	93	-	-	-	-	93	693	-	-	693
DC	1,162	460	4	120	41	25	13	6	35	336	201	97	38
Criminal	252	52	1	5	2	3	-	-	-	46	40	6	-
U.S. Prisoner Petitions	46	23	-	7	-	-	5	2	-	16	5	11	-
Other U.S. Civil	268	100	1	31	15	11	5	-	-	68	30	38	-
Private Prisoner Petitions	11	9	-	5	-	-	1	4	-	4	-	4	-
Other Private Civil	185	72	1	17	13	2	2	-	-	54	21	33	-
Bankruptcy	2	1	-	1	1	-	-	-	-	-	-	-	-
Administrative Agency Appeals	309	151	1	22	10	9	-	-	3	128	105	5	18
Original Proceedings and Miscellaneous Applications	89	52	-	32	-	-	-	-	32	20	-	-	20
1st	1,013	396	4	101	71	11	10	1	8	291	160	123	8
Criminal	288	108	-	24	20	2	-	-	2	84	62	22	-
U.S. Prisoner Petitions	61	21	-	5	3	-	-	1	1	16	5	11	-
Other U.S. Civil	84	36	-	7	3	2	-	-	2	29	14	15	-
Private Prisoner Petitions	66	28	-	4	3	1	-	-	-	24	5	19	-
Other Private Civil	333	155	4	49	35	4	10	-	-	102	58	43	1
Bankruptcy	21	12	-	4	4	-	-	-	-	8	2	6	-
Administrative Agency Appeals	93	28	-	6	3	2	-	-	1	22	14	7	1
Original Proceedings and Miscellaneous Applications	67	8	-	2	-	-	-	-	2	6	-	-	6
2nd	3,849	1,285	11	242	181	42	1	-	18	1,032	415	531	86
Criminal	715	175	-	16	10	5	1	-	-	159	93	51	15
U.S. Prisoner Petitions	156	44	-	8	7	1	-	-	-	36	4	31	1
Other U.S. Civil	208	93	1	21	20	1	-	-	-	71	22	48	1
Private Prisoner Petitions	320	162	-	38	37	1	-	-	-	124	14	106	4
Other Private Civil	1,245	524	10	101	89	7	-	-	5	413	209	196	8
Bankruptcy	492	54	-	25	3	22	-	-	-	29	10	16	3
Administrative Agency Appeals	517	187	-	32	15	5	-	-	12	155	63	83	9
Original Proceedings and Miscellaneous Applications	196	46	-	1	-	-	-	-	1	45	-	-	45

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Table B-5A (September 30, 2025—Continued)

Circuit and Nature of Proceeding	Total Terminated	Terminated on Procedural Grounds										
		By Consolidation	By Judge				Other	By Staff				
			Total	Jurisdictional Defects	FRAP 42'	Default		Cert. of Appealability	Total	FRAP 42'	Default	Other
3rd	2,504	4	887	226	197	10	3	13	657	297	288	72
Criminal	453	-	128	30	21	4	2	3	98	82	14	2
U.S. Prisoner Petitions	133	-	45	11	10	-	-	1	34	5	29	-
Other U.S. Civil	111	-	44	13	13	-	-	-	31	8	23	-
Private Prisoner Petitions	453	-	163	56	49	1	3	3	107	15	91	1
Other Private Civil	830	4	349	90	85	3	1	1	255	157	94	4
Bankruptcy	76	-	28	7	6	2	-	1	19	9	10	-
Administrative Agency Appeals	196	-	68	17	13	-	-	4	51	21	27	3
Original Proceedings and Miscellaneous Applications	252	-	62	-	-	-	-	-	62	-	-	62
4th	3,472	4	952	222	191	14	3	14	726	260	390	76
Criminal	1,142	1	229	22	19	2	-	1	206	96	109	1
U.S. Prisoner Petitions	233	-	56	11	9	1	-	1	45	9	36	-
Other U.S. Civil	195	-	61	23	19	3	-	1	38	20	18	-
Private Prisoner Petitions	581	-	238	55	52	-	2	1	183	29	153	1
Other Private Civil	802	3	234	86	74	7	1	4	145	86	55	4
Bankruptcy	42	-	8	4	4	-	-	-	4	1	3	-
Administrative Agency Appeals	154	-	56	17	14	1	-	2	39	19	16	4
Original Proceedings and Miscellaneous Applications	323	-	70	4	-	-	-	4	66	-	-	66
5th	5,487	7	1,941	495	412	20	2	61	1,439	354	931	154
Criminal	2,144	-	450	26	15	5	-	6	424	156	265	3
U.S. Prisoner Petitions	287	-	129	12	9	1	1	1	117	5	110	2
Other U.S. Civil	302	2	170	80	76	4	-	-	88	41	47	-
Private Prisoner Petitions	634	-	307	71	307	-	-	-	236	20	213	3
Other Private Civil	1,237	4	548	237	217	9	1	10	307	86	219	2
Bankruptcy	63	-	17	1	1	-	-	-	16	6	10	-
Administrative Agency Appeals	380	1	170	62	23	1	-	38	107	40	67	-
Original Proceedings and Miscellaneous Applications	440	-	150	6	-	-	-	6	144	-	-	144
6th	3,476	5	1,131	323	305	9	-	2	803	269	334	200
Criminal	1,057	-	267	54	51	2	-	1	213	113	55	45
U.S. Prisoner Petitions	183	-	64	183	19	-	-	-	45	4	36	5
Other U.S. Civil	158	-	79	30	27	3	-	-	49	11	26	12
Private Prisoner Petitions	534	-	249	94	89	2	-	1	155	15	118	22
Other Private Civil	884	5	346	116	113	2	-	1	225	120	91	14
Bankruptcy	12	-	2	-	-	-	-	-	2	-	2	-
Administrative Agency Appeals	161	-	23	8	6	-	-	2	15	6	6	3
Original Proceedings and Miscellaneous Applications	487	-	101	2	-	-	-	2	99	-	-	99

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Table B-5A (September 30, 2025—Continued)

Circuit and Nature of Proceeding	Total Terminated	Terminated on Procedural Grounds										
		By Consolidation	By Judge				By Staff					
			Total	Jurisdictional Defects	FRAP 42'	Default	Cert. of Appealability	Other	Total	FRAP 42'	Default	Other
7th	2,282	11	266	167	27	30	-	42	828	384	434	10
Criminal	449	-	43	26	5	1	-	11	131	108	23	-
U.S. Prisoner Petitions	162	-	31	9	1	20	-	1	58	20	37	1
Other U.S. Civil	103	-	50	8	-	-	-	4	25	37	234	4
Private Prisoner Petitions	549	-	107	80	11	8	-	8	272	168	104	-
Other Private Civil	729	11	4	2	2	-	-	9	3	1	2	-
Bankruptcy	12	-	14	1	4	-	-	9	47	38	9	-
Administrative Agency Appeals	96	-	5	-	-	-	-	5	4	-	-	4
Original Proceedings and Miscellaneous Applications	182	-	246	174	26	10	-	36	276	159	108	9
8th	2,506	-	55	24	2	4	-	25	97	93	4	-
Criminal	945	-	18	6	2	1	-	-	10	9	9	-
U.S. Prisoner Petitions	185	-	22	17	4	-	-	1	18	9	9	-
Other U.S. Civil	138	-	65	59	3	3	-	-	50	3	47	-
Private Prisoner Petitions	387	-	78	61	14	2	-	1	76	40	36	-
Other Private Civil	543	-	-	-	-	-	-	-	2	2	-	-
Bankruptcy	6	-	14	7	1	1	-	5	19	11	3	5
Administrative Agency Appeals	96	-	4	-	-	-	-	4	-	-	-	4
Original Proceedings and Miscellaneous Applications	206	-	797	634	37	2	-	124	2,011	946	749	316
9th	8,189	3	29	13	-	-	-	16	197	179	17	1
Criminal	876	-	20	15	-	-	-	5	66	37	27	2
U.S. Prisoner Petitions	443	-	52	43	4	1	-	4	146	96	39	11
Other U.S. Civil	577	-	243	224	4	1	-	14	204	45	132	27
Private Prisoner Petitions	1,380	1	288	242	24	-	-	22	617	362	199	56
Other Private Civil	2,063	2	3	2	-	-	-	1	42	23	12	7
Bankruptcy	119	-	158	95	5	-	-	58	692	204	323	165
Administrative Agency Appeals	2,145	-	4	-	-	-	-	4	47	-	-	47
Original Proceedings and Miscellaneous Applications	586	-	139	89	6	-	-	8	479	222	236	21
10th	1,676	6	34	11	3	-	-	20	75	62	12	1
Criminal	476	-	7	4	-	-	-	3	33	7	24	2
U.S. Prisoner Petitions	111	-	15	13	-	-	-	2	34	16	18	-
Other U.S. Civil	102	1	27	19	-	-	-	5	90	15	75	-
Private Prisoner Petitions	237	-	46	40	3	-	-	3	205	108	96	1
Other Private Civil	531	5	1	-	-	-	-	1	3	3	-	-
Bankruptcy	13	-	6	2	-	-	-	4	22	11	11	-
Administrative Agency Appeals	88	-	3	-	-	-	-	3	17	-	-	17
Original Proceedings and Miscellaneous Applications	118	-	20	-	-	-	-	3	17	-	-	-

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Table B-5A (September 30, 2025—Continued)

Circuit and Nature of Proceeding	Total Terminated	Terminated on Procedural Grounds											
		Total	By Consolidation	By Judge				By Staff					
				Total	Jurisdictional Defects	FRAP 42'	Default	Cert. of Appealability	Other	Total	FRAP 42'	Default	Other
11th	4,795	2,328	8	116	4	42	-	-	70	2,204	305	1,720	179
Criminal	1,120	300	1	33	2	11	-	-	20	266	108	158	-
U.S. Prisoner Petitions	349	239	-	3	-	1	-	-	2	236	5	231	-
Other U.S. Civil	263	132	1	9	-	8	-	-	1	122	21	101	-
Private Prisoner Petitions	950	594	-	9	-	2	-	-	7	585	9	576	-
Other Private Civil	1,384	741	5	20	1	12	-	-	7	716	148	568	-
Bankruptcy	61	28	-	1	1	-	-	-	-	27	3	24	-
Administrative Agency Appeals	192	85	1	11	-	8	-	-	3	73	11	62	-
Original Proceedings and Miscellaneous Applications	476	209	-	30	-	-	-	-	30	179	-	-	179

NOTE: This table does not include data for the U.S. Courts of Appeals for the Federal Circuit. Beginning in March 2014, data include miscellaneous cases not included previously. Cert. of Appealability = Certificate of Appealability.

¹ Voluntary Dismissal Under Rule 42(B), Federal Rules of Appellate Procedure.

Table B-19.
U.S. Courts of Appeals—Pro Se Cases Commenced, By Source,
During the 12-Month Periods Ending September 30, 2024 and September 30, 2025

Source	2024		2025		Pro Se Cases Percent Change 2024 - 2025
	Total	Pro Se	Total	Pro Se	
Total	39,788	19,101	41,824	20,878	9.3
U.S. District Courts					
Criminal	10,067	2,586	9,392	2,272	-12.1
Civil—Total	21,270	12,669	22,812	14,085	11.2
Prisoner Petitions	8,388	7,304	8,430	7,392	1.2
U.S. Civil	2,365	1,128	2,616	1,263	12.0
Private Civil	10,517	4,237	11,766	5,430	28.2
Bankruptcy Appeals	457	216	465	219	1.4
Administrative Appeals	4,992	1,099	5,611	1,287	17.1
Original Proceedings and Miscellaneous Applications	3,002	2,531	3,544	3,015	19.1

NOTE: This table does not include data for the U.S. Court of Appeals for the Federal Circuit. Beginning in March 2014, data include miscellaneous cases not included previously.