

App. No. **26-5436**

In the Supreme Court of the United States

DEBBIE WILLIAMS, PETITIONER

v.

RODNEY HOLT, TYQUENTA KEYS, & METROPOLITAN TRANSIT

AUTHORITY ("MTA", "WEGO PUBLIC TRANSIT"), RESPONDENTS

On Petition for a Writ of Certiorari

to the Supreme Court of Tennessee

PETITION FOR A WRIT OF CERTIORARI

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August 22, 2026

ORIGINAL

FILED

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**OFFICE OF THE CLERK
SUPREME COURT, U.S.**

QUESTION PRESENTED

Whether the Due Process Clause of the Fourteenth Amendment permits a state to enforce appellate deadlines and deny rehearing and further review where the court's own notice process caused the appellate opinion to be returned unopened, the petitioner's homelessness and mail-handling circumstances made effective notice impossible before the mandate issued, and the resulting untimeliness was caused not by the petitioner but by the court's failure to provide effective notice and a meaningful opportunity to seek review.

LIST OF PARTIES

DEBBIE WILLIAMS, PETITIONER

v.

RODNEY HOLT, TYQUENTA KEYS, & METROPOLITAN TRANSIT
AUTHORITY (“MTA”, “WEGO PUBLIC TRANSIT”) , RESPONDENTS

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CERTIFICATE OF SERVICE

OPINIONS BELOW

The order of the Supreme Court of Tennessee entered August 4, 2026, denying Petitioner's petition to rehear in No. M2024-01188-SC-R11-CV, is reproduced at App. A. The order of the Supreme Court of Tennessee entered July 23, 2026, denying Petitioner's application for supervisory relief and recall of mandate in No. M2024-01188-SC-R11-CV, is reproduced at App. B.

The Court of Appeals of Tennessee at Nashville's order denying reconsideration of Petitioner's renewed motion to recall the mandate, entered May 4, 2026, is reproduced at App. C. Its order denying Petitioner's motion to recall the mandate, entered January 9, 2026, is reproduced at App. D.

The Supreme Court of Tennessee's orders entered October 9, 2025, and October 3, 2025, are reproduced at Apps. E and F. The Court of Appeals' orders entered August 19, 2025, and August 1, 2025, are reproduced at Apps. G and H. The Court of Appeals' May 1, 2025 opinion and July 17, 2025 mandate are reproduced at App. I, both received from the trial court on July 17, 2025..

JURISDICTION

The judgment sought to be reviewed is the Supreme Court of Tennessee's order entered July 23, 2026, in No. M2024-01188-SC-R11-CV, denying Petitioner's application for supervisory relief and recall of mandate. App. B. Petitioner timely sought rehearing, which the Tennessee Supreme Court denied on August 4, 2026. App. A.

This Court has jurisdiction under 28 U.S.C. § 1257(a) because the Supreme Court of Tennessee is the highest court of the State in which a decision could be had, and Petitioner seeks review of a federal question arising under the Due Process Clause of the Fourteenth Amendment.

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<i>Mullane v. Central Hanover Bank & Trust Co.</i> , 339 U.S. 306 (1950)	8,9,10,11
<i>Jones v. Flowers</i> , 547 U.S. 220 (2006)	8,9,10,11
<i>Peralta v. Heights Med. Ctr., Inc.</i> , 485 U.S. 80 (1988)	9,10,12

CONSTITUTIONAL PROVISION INVOLVED

This case involves the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

U.S. Const. amend. XIV, § 1 provides in relevant part:

“No State shall ... deprive any person of life, liberty, or property, without due
process of law[.]” 5,7,8,9,10,11

STATEMENT OF THE CASE

This case presents a federal due-process question concerning whether a State may enforce appellate deadlines against a litigant who did not receive effective notice of the decision before the mandate issued, where the lack of notice resulted from the court's own process and deprived the litigant of a meaningful opportunity to seek rehearing or further review.

This case arises from a Tennessee civil tort action in which Petitioner Debbie Williams alleged intentional infliction of emotional distress and/or negligence against Rodney Holt, Tyquenta Keys, and the Metropolitan Transit Authority. The Court of Appeals of Tennessee at Nashville issued its opinion on May 1, 2025, and mailed it to the Nashville Rescue Mission women's campus, the address then on file. App. I, pages 4-9. That same day, shelter staff informed Petitioner that she had to leave by 8:00 a.m. the following morning. App. J. Petitioner soon became homeless without a fixed address. App. N,P,Q.

On May 2, 2025, Petitioner received USPS confirmation that her mail would be held from May 3 through May 31, 2025. App. K. The mail was not held (App. L), however, and the Court of Appeals' mailing containing the opinion was returned to the clerk's office unopened. App. M. Petitioner later learned that USPS declined to hold the mail because the address was a homeless shelter and that the shelter returned mail addressed to non-residents. Apps. L, M. On May 30, 2025, Petitioner filed a change-of-address notice with the Court of Appeals, but she did not receive the opinion. App. O.

Petitioner first received actual notice of the opinion and mandate on July 17, 2025, through electronic notification from the state trial court's filing system. Apps. I, P. The mandate had issued and the ordinary deadlines for rehearing and further review had expired. Petitioner

promptly sought rehearing, but the Court of Appeals denied rehearing as untimely and denied recall. Apps. G–H. The Tennessee Supreme Court dismissed Petitioner’s application for permission to appeal as untimely and denied reconsideration. Apps. E–F.

The Court of Appeals later denied reconsideration of Petitioner’s renewed motion to recall the mandate. Apps. C–D. On July 23, 2026, the Tennessee Supreme Court denied Petitioner’s request for supervisory relief and recall of the mandate. App. B. On August 4, 2026, it denied Petitioner’s petition to rehear. App. A.

REASONS FOR GRANTING THE PEITION

I. The petition presents an important and recurring question about due process and access to appellate review.

This case asks whether a state may enforce appellate deadlines and deny rehearing and further review when the state’s own notice process prevents a litigant from receiving an opinion before the mandate issues, thereby cutting off any realistic chance to seek review under the Due Process Clause of the Fourteenth Amendment. The question goes to the core of procedural due process and the meaningfulness of appellate rights for indigent and homeless litigants. It is important nationally and likely to recur, especially as courts rely heavily on mail that do not reliably reach people without stable housing.

II. The decision below conflicts with fundamental due-process principles requiring notice and a meaningful opportunity to be heard.

This Court has long held that due process under the Fourteenth Amendment requires notice “reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.” *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 314 (1950). And when the State learns that its chosen method of mailed notice has failed, due process ordinarily requires additional reasonable efforts to provide notice if practicable. *Jones v. Flowers*, 547 U.S. 220, 225–27 (2006). Here, the Tennessee appellate courts relied on mailed notice from the clerk, the opinion was returned unopened, yet the appellate court enforced deadlines to bar rehearing and further review. By treating those deadlines as dispositive despite a court-created notice failure, the Tennessee courts enforced a procedural bar at odds with these settled due-process principles.

III. This case is an unusually clear vehicle to resolve the question.

The notice problem is undisputed in the record: the appellate opinion was mailed to a homeless-shelter address, returned unopened, and not effectively communicated to Petitioner until after the mandate issued and all ordinary deadlines had expired. Petitioner promptly sought rehearing once she received notice, and the Tennessee courts repeatedly denied relief on untimeliness grounds. Because the case cleanly presents whether the Fourteenth Amendment allows a state to deny any rehearing or further review based on a deadline the litigant had no fair opportunity to meet due to the court’s own notice practices, without entangling merits issues, it is an excellent vehicle for addressing the constitutional question presented.

SUMMARY OF ARGUMENT

The Due Process Clause of the Fourteenth Amendment does not permit a State to extinguish a litigant's opportunity to seek rehearing and further review based on untimeliness where the untimeliness was caused by the State's own failure to provide effective notice of the appellate decision. Due process requires notice "reasonably calculated, under all the circumstances," to inform an interested party and afford an opportunity to object. *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 314 (1950).

Here, the Tennessee appellate courts relied exclusively on a single mailing to a homeless-shelter address, took no additional action after the mailing was returned unopened, and did not provide effective notice after Petitioner filed a change of address. Petitioner first learned of the opinion only after the mandate issued and the ordinary deadlines had expired. Once the State knows that its chosen form of mailed notice has failed, due process requires additional reasonable steps if practicable. *Jones v. Flowers*, 547 U.S. 220, 225–27 (2006).

By enforcing deadlines that Petitioner had no meaningful opportunity to meet, the Tennessee courts transformed a court-created failure of notice into a permanent bar to rehearing and further review. A State may not give dispositive effect to proceedings conducted without constitutionally adequate notice and a meaningful opportunity to be heard. *Peralta v. Heights Med. Ctr., Inc.*, 485 U.S. 80, 84–86 (1988).

ARGUMENT

I. Due process requires notice reasonably calculated to provide a meaningful opportunity for rehearing and further review.

The Fourteenth Amendment’s Due Process Clause requires that before the State deprives a person of protected interests, it provides notice that is “reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.” *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 314 (1950). The methods used must be those that one “desirous of actually informing” the person might reasonably adopt in the circumstances. *Id.* at 315. That principle applies when appellate deadlines will foreclose rehearing or further review just as it does at the outset of a case, because the loss of any opportunity to be heard on appeal is a significant deprivation governed by procedural due process.

When the government chooses mail as the method of notice, due process does not guarantee actual notice in every case, but it does require that the chosen method be reasonably calculated to succeed under the circumstances. *Mullane*, 339 U.S. at 314–15. Moreover, when the State learns that its attempt at mailed notice has failed—such as when mail is returned unclaimed or undelivered—this Court has held that due process ordinarily requires the State to take additional reasonable steps to provide notice if they are practicable. *Jones v. Flowers*, 547 U.S. 220, 225–27 (2006). A judgment or dispositive ruling entered without constitutionally adequate notice cannot be enforced against a party who was denied a fair opportunity to be heard. *Peralta v. Heights Med. Ctr., Inc.*, 485 U.S. 80, 84–86 (1988).

II. Tennessee’s notice practices in this case were not reasonably calculated to provide effective notice.

In Petitioner’s case, the Tennessee appellate courts relied on a single mailing from the clerk to the address of a homeless shelter, even though that address was inherently unstable and ceased to be valid the next morning when shelter staff required her to leave. The Court of Appeals’ mailing

containing the May 1, 2025 opinion was returned to the clerk’s office unopened, yet the court took no further action—no follow-up mailing, no use of an available email and text electronic system, and no other effort—to inform Petitioner that the opinion had issued. The State thus had concrete evidence that its chosen method of notice had failed but did nothing, contrary to the additional reasonable steps requirement recognized in *Jones v. Flowers*, 547 U.S. at 230–31.

During this same period, Petitioner filed a change-of-address notice with the Court of Appeals and later received electronic notice through the state trial court’s system, demonstrating that other practicable channels of communication were available. Yet the appellate courts continued to rely solely on the original, failed mailing to trigger and enforce appellate deadlines. Under *Mullane* and *Jones*, persisting in reliance on a returned, unopened mailing, despite obvious evidence of failure and the availability of reasonable alternative means, is not notice “reasonably calculated, under all the circumstances” to reach a homeless litigant. *Mullane*, 339 U.S. at 314–15; *Jones*, 547 U.S. at 225–27.

III. The resulting untimeliness was court-created, and enforcing it to deny rehearing and further review violated due process.

Because the mailing was never effectively delivered, Petitioner did not receive actual notice of the Court of Appeals’ decision and mandate until July 17, 2025, after the mandate had issued and all ordinary deadlines for rehearing and further review under state law had expired. She then promptly moved for rehearing and sought recall of the mandate, but each Tennessee court treated the original appellate deadlines as dispositive and denied relief as untimely. The untimeliness was not the product of Petitioner’s neglect or inaction; it flowed directly from the courts’ own notice practices and their refusal to take any additional steps once the first attempt plainly failed.

This Court has held that a judgment entered without constitutionally adequate notice cannot stand, even where the affected party has not separately shown that the outcome on the merits would have been different. *Peralta*, 485 U.S. at 84–87. Here, by enforcing appellate deadlines that Applicant had no meaningful opportunity to meet and by denying any rehearing or further review on that basis, the Tennessee courts converted a court-created notice failure into a permanent bar to appellate review. That result is incompatible with the Due Process Clause of the Fourteenth Amendment and warrants this Court’s intervention to clarify that states may not use their own defective notice procedures to foreclose all appellate review of a litigant’s claims.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted,

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