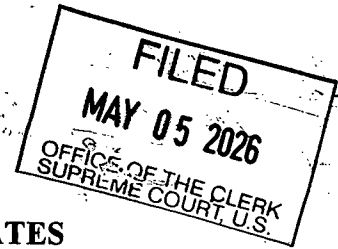


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No. [TO BE ASSIGNED]



IN THE SUPREME COURT OF THE UNITED STATES

October Term, 2025

NATHANIEL WEBBER,
Petitioner,

v.

LESON CHEVROLET COMPANY, INC.,
Respondent.

**ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

PETITION FOR A WRIT OF CERTIORARI

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May 1, 2026

QUESTIONS PRESENTED

- I. Whether off-premises social media conduct that is accessible to an employee's coworkers, is posted from the employer's physical premises, depicts the employer's property in conjunction with racially violent content, and is reasonably calculated to affect the conditions of employment may be considered as part of the totality-of-the-circumstances analysis in a Title VII hostile work environment claim, or whether such conduct is categorically excluded absent a showing of a discrete physical "workplace nexus."
- II. Whether the Fifth Circuit departed from this Court's decisions in *Reeves v. Sanderson Plumbing Products, Inc.* and *Tolan v. Cotton* by resolving genuine disputes of material fact against the nonmovant at the summary judgment stage, including treating an employer's public apology acknowledging the discriminatory nature of a coworker's conduct as evidence supporting summary judgment for the employer, in conflict with the Fifth Circuit's own published decision in *Hager v. Brinker Texas, Incorporated*, which held that an analogous apology constituted direct evidence of discrimination precluding summary judgment.

PARTIES TO THE PROCEEDING

Petitioner Nathaniel Webber was the Plaintiff-Appellant below. Respondent Leson Chevrolet Company, Inc. was the Defendant-Appellee below.

Webber v. Leson Chevrolet Company, Inc., No. 2:22-cv-00910, U. S. District Court for the Eastern District of Louisiana. Judgment entered Sept. 3, 2024.

Webber v. Leson Chevrolet Company, Inc., No. 24-30637, U. S. Court of Appeals for the Fifth Circuit. Judgment entered Nov. 18, 2025.

TABLE OF CONTENTS

Questions Presented	2
Parties to the Proceeding.....	3
Table of Contents	4
Table of Authorities	5
Petition of Writ	6
Opinions Below	6
Jurisdiction	6
Constitutional and Statutory Provisions Involved	6
Statement of the Case.....	6
Reasons for Granting the Writ.....	9
1. I. The circuits are in conflict over whether off-premises social media conduct may contribute to a Title VII hostile work environment	9
2. II. The panel's treatment of the apology evidence conflicts with the Fifth Circuit's own published decision in Hager v. Brinker Texas, Incorporated.....	13
3. III. The Fifth Circuit's resolution of disputed facts against the nonmovant at summary judgment conflicts with this Court's precedent	15
4. IV. This case is a suitable vehicle for resolving both questions	16
Conclusion	17
Certificate of Service	19
Certificate of Compliance	20
Appendix.....	21

TABLE OF AUTHORITIES

CASES

<i>Arredondo v. Elwood Staffing Servs., Inc.</i> , 81 F.4th 419 (5th Cir. 2023).....	11
<i>Diemert v. City of Seattle</i> , 776 F. Supp. 3d 922 (W.D. Wash. 2025)	10
<i>EEOC v. WC&M Enterprises, Inc.</i> , 496 F.3d 393 (5th Cir. 2007)	11
<i>Faragher v. City of Boca Raton</i> , 524 U.S. 775 (1998).....	11
<i>Gowesky v. Singing River Hosp. Sys.</i> , 321 F.3d 503 (5th Cir. 2003)	11
<i>Hager v. Brinker Texas, Incorporated</i> , 102 F.4th 692 (5th Cir. 2024).....	8,13,14, 17
<i>Harris v. Forklift Systems, Inc.</i> , 510 U.S. 17 (1993)	9-12
<i>Okonowsky v. Garland</i> , 109 F.4th 1166 (9th Cir. 2024)	8-10
<i>Reeves v. Sanderson Plumbing Products, Inc.</i> , 530 U.S. 133 (2000)	15, 17
<i>Tolan v. Cotton</i> , 572 U.S. 650 (2014)	15, 17
<i>Webber v. Leson Chevrolet Company, Inc.</i> , No. 24-30637 (5th Cir. Nov. 18, 2025) (<i>per curiam</i>) (unpublished)	4-5

STATUTES AND RULES

28 U.S.C. § 1254(1)	1
42 U.S.C. § 2000e-2(a)(1)	2, 7
Fed. R. Civ. P. 56(a)	2

PETITION OF WRIT

Nathaniel Webber respectfully petitions this Court for a writ of certiorari to review the judgment of the United States Court of Appeals for the Fifth Circuit.

OPINIONS BELOW

The opinion of the United States Court of Appeals for the Fifth Circuit in this case is reproduced in the Appendix at App. A. The district court's opinion and order granting summary judgment to Respondent is reproduced in the Appendix at App. C.

JURISDICTION

The Fifth Circuit entered judgment on November 18, 2025. Petitioner timely filed a petition for rehearing en banc on December 2, 2025. The Fifth Circuit denied rehearing on January 5, 2026 and is reproduced in the Appendix at App. B. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1254(1), which provides that cases in the courts of appeals may be reviewed by this Court on writ of certiorari.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Title VII of the Civil Rights Act of 1964 provides in relevant part that it shall be an unlawful employment practice for an employer to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin. 42 U.S.C. § 2000e-2(a)(1). The full text of this provision is set forth in the Appendix. Federal Rule of Civil Procedure 56(a) provides that a court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.

STATEMENT OF THE CASE

A. The Events at the Dealership

Petitioner Nathaniel Webber is a Black man who was hired as a mechanic at Leson Chevrolet Company, Inc. in September 2019. Leson Chevrolet is a family-owned car dealership in Harvey, Louisiana, adjacent to the Jefferson Parish Sheriff's Office. The dealership was operated by Lisa Rebowe. Webber was hired by service manager Timothy Colson, who supervised him throughout his employment. Leson Philip Rebowe was a manager-in-training in the dealership's sales department and the son of the dealership's owner. He did not supervise Webber and worked in a separate department.

In the summer of 2020, a racial justice protest was organized in the vicinity of the dealership. Webber attended the protest on June 4, 2020. On that same day, during working hours, Rebowe posted a series of racially violent messages to his Snapchat account. The posts included explicit calls for armed individuals to confront protesters, a photograph of bullets with a caption stating "THAT'S A LOT OF BLACKS TO SHOOT," and an image of firearms with a racial slur. Rebowe Dep. 81:3-5; 85:1-7; 93:10-13. The posts were created on dealership premises during the workday and at least one post prominently displayed the dealership's advertising billboard. Rebowe Dep. 78:12-16; 83:4-9; 223:4-6. A screenshot of Rebowe's Snapchat post identified him under the label "Leson (manager)," linking the posts to his workplace role. Rebowe Dep. 81:15-23. Rebowe acknowledged during his deposition that the posts were set to reach his Snapchat friends. Rebowe Dep. 224:18-21. When asked about the posts at deposition, he described one as "satire" and explained that his general manager had joked about firearms while they walked the parking lot during the protest. Rebowe Dep. 222:15-23.

Webber learned of the posts on June 5, 2020. He immediately reported his safety concerns to Colson and to another manager, Johnny Brumfield, and asked that a management meeting be convened. When Brumfield suggested that Webber meet directly with Rebowe, Webber refused absent management assurances that Rebowe would not bring a firearm to the meeting. Brumfield told Webber: "You are not about to do this, or this will be your last day working here." No individual meeting occurred.

On June 9, 2020, Webber emailed Colson outlining his apprehensions regarding his safety and requesting time to collect his thoughts. Colson granted the request. A week later,

Colson contacted Webber to ask when he would return to work. Webber refused to return until he spoke with Lisa Rebowe. On June 18, 2020, Lisa Rebowe spoke with Webber and told him that her son had been terminated.

Following public backlash over the posts, Lisa Rebowe had terminated her son's employment and issued a public apology acknowledging the discriminatory nature of his conduct. The public apology condemned the posts and represented that Rebowe's employment had been terminated. Over the course of approximately one month, managers at the dealership advocated for Rebowe's reinstatement, and Lisa Rebowe agreed to reinstate him. Leson Chevrolet Co. 30(b)(6) Dep. 161:18-22; 165:17-22. Webber returned to work on June 23, 2020. On July 2, 2020, Webber observed Rebowe at the dealership. Without explanation from management regarding Rebowe's presence, Webber left work that day, texting Colson that he could not remain at the dealership with Rebowe present. Colson gave Webber the rest of the day off. Webber did not return to work in the following weeks. On July 20, 2020, Leson Chevrolet terminated Webber's employment for failing to report to work.

B. Procedural History

Webber filed a charge of discrimination with the Equal Employment Opportunity Commission and subsequently brought this action in the United States District Court for the Eastern District of Louisiana, Case No. 2:22-cv-00910, asserting claims of hostile work environment and wrongful termination under Title VII.

The district court granted summary judgment to Respondent on September 3, 2024. The district court held that the off-premises social media conduct did not satisfy the requirements for a Title VII hostile work environment claim, and that the employer's actions constituted prompt remedial action as a matter of law. In reaching its conclusion, the district court treated Lisa Rebowe's public apology and Leson Rebowe's termination as evidence supporting summary judgment for the employer, rather than as evidence from which a reasonable factfinder could infer that the employer itself recognized the discriminatory character of the conduct.

The Fifth Circuit affirmed in an unpublished per curiam opinion issued November 18, 2025. *Webber v. Leson Chevrolet Company, Inc.*, No. 24-30637 (5th Cir. Nov. 18, 2025) (per curiam) (unpublished). The court held that Rebowe's Snapchat posts did not support a viable

hostile work environment claim, stating that Webber "alleges no harassment at LCC, nor any personal or directed harassment affecting his work," despite record evidence that Webber reported safety concerns to multiple managers and emailed his supervisor documenting those concerns. The court also characterized Webber's absence as being "without explanation," notwithstanding Webber's June 9 email to Colson and his July 2 text message to Colson explaining his inability to remain at the dealership with Rebowe present. The court applied the same-actor inference and affirmed on the termination claim. The panel did not address the evidentiary significance of the public apology or its relationship to the Fifth Circuit's published decision in *Hager v. Brinker Texas, Incorporated*, 102 F.4th 692 (5th Cir. 2024), decided only months earlier, which held that an analogous apology constituted direct evidence of discrimination.

REASONS FOR GRANTING THE WRIT

I. THE CIRCUITS ARE IN CONFLICT OVER WHETHER OFF-PREMISES SOCIAL MEDIA CONDUCT MAY CONTRIBUTE TO A TITLE VII HOSTILE WORK ENVIRONMENT.

A. Harris and the Totality Standard

Title VII prohibits employers from discriminating against employees with respect to the terms, conditions, or privileges of employment because of race, color, religion, sex, or national origin. 42 U.S.C. § 2000e-2(a)(1). In *Harris v. Forklift Systems, Inc.*, this Court held that the statutory phrase "terms, conditions, or privileges of employment" encompasses a hostile work environment, explaining that when the workplace is permeated with discriminatory intimidation, ridicule, and insult sufficiently severe or pervasive to alter the conditions of the victim's employment and create an abusive working environment, Title VII is violated. 510 U.S. 17, 21 (1993). The standard requires both subjective and objective proof. *Id.* at 21-23. Courts must weigh the frequency of the discriminatory conduct, its severity, whether it is physically threatening or humiliating, and whether it unreasonably interferes with an employee's work performance. *Id.* at 23. No single factor is required. *Id.* The *Harris* test does not limit the inquiry to conduct occurring within the physical confines of the workplace. Whether off-premises social media conduct may be factored into the hostile work environment analysis has divided the federal circuits. This Court has not resolved the question.

B. The Ninth Circuit Applies Harris Without a Physical Workplace Prerequisite

The Ninth Circuit has held that harassing conduct does not lose its capacity to alter the conditions of employment because it occurs off the employer's physical premises. In *Okonowsky v. Garland*, 109 F.4th 1166 (9th Cir. 2024), a corrections Lieutenant maintained an Instagram account followed by more than one hundred prison employees on which he posted hundreds of sexually demeaning and derogatory items over a five-month period, many of which targeted a psychologist coworker. The posts included sexually vulgar descriptions of the psychologist, intimidation of her for reporting the conduct to management, and calls for coworkers to rally against her. *Id.* at 1173-75. The district court granted summary judgment to the employer, concluding that the off-premises conduct was insufficient to establish a hostile work environment. The Ninth Circuit reversed.

The *Okonowsky* court's analysis rested on three independent grounds that bear directly on this case. First, the court held that the *Harris* totality-of-the-circumstances framework does not impose a categorical threshold requiring that harassing conduct occur at the physical workplace. *Id.* at 1179-81. The court reasoned that social media posts are "permanently and infinitely viewable and re-viewable by any person with access to the page," that this Court has identified a non-exhaustive list of circumstances not limited to conduct on the physical or digital worksite, and that the relevant inquiry is whether the conduct had an unreasonable effect on the working environment. *Id.* at 1180. Second, the Ninth Circuit held that the district court erred by limiting its analysis to posts directed personally at the plaintiff. *Id.* at 1182-83. Harassing conduct need not target the plaintiff individually to be relevant to the hostile work environment analysis; the totality of the circumstances includes offensive or retaliatory conduct that would not, in isolation, violate Title VII. *Id.* at 1182 (citing *Reynaga v. Roseburg Forest Prods.*, 847 F.3d 678, 687 (9th Cir. 2017)).

Third, and of particular significance here, the court held that evidence of management-level acquiescence to or endorsement of off-site harassing conduct is relevant to both the hostile work environment and employer liability elements of a Title VII claim. *Id.* at 1180-81. When employees holding management-level positions condone, acquiesce to, or otherwise reinforce a coworker's harassing conduct, the discriminatory effect of that behavior is cemented within the workplace. *Id.* at 1181. Courts applying *Okonowsky* have recognized that online harassing

content accessible to employees during the period of the alleged hostile environment is part of the relevant evidentiary record. *See Diemert v. City of Seattle*, 776 F. Supp. 3d 922 (W.D. Wash. 2025).

C. The Fifth Circuit's Categorical Nexus Requirement Conflicts With Okonowsky and With Harris

The Fifth Circuit has required that off-premises conduct bear a sufficient connection to the physical workplace before it may be considered in the hostile work environment analysis. The Fifth Circuit has opined that "a harassment claim, to be cognizable, must affect a person's working environment," and has refused to consider evidence of outside-of-work conduct when determining whether alleged conduct rose to the level of actionable harassment. *Gowesky v. Singing River Hosp. Sys.*, 321 F.3d 503, 510-11 (5th Cir. 2003). Consistent with that approach, the Fifth Circuit has held that mere utterance of an epithet which engenders offensive feelings in an employee does not sufficiently affect the conditions of employment to implicate Title VII. *Arredondo v. Elwood Staffing Servs., Inc.*, 81 F.4th 419, 433 (5th Cir. 2023). The panel below applied that framework and affirmed summary judgment in part because the posts did not satisfy the applicable nexus threshold.

The panel's analysis compounded the nexus error by focusing primarily on pervasiveness and the absence of personal targeting while omitting the severity analysis that controlling precedent requires. In *Faragher v. City of Boca Raton*, 524 U.S. 775, 788 (1998), this Court made clear that even a single incident may satisfy the severe-or-pervasive standard when the conduct involves threats of physical violence. The panel itself acknowledged that Rebowe's posts were "abhorrent" and "involved threats of physical violence," yet it did not analyze the severity of that conduct under *Faragher's* framework. Instead, the panel treated the posts as insufficiently "extreme" because they did not identify Webber by name and because Webber and Rebowe did not work closely together. That analysis substitutes a personal-targeting requirement for the totality inquiry that *Harris* and *Faragher* mandate.

The Fifth Circuit's own precedent underscores the error. In *EEOC v. WC&M Enterprises, Inc.*, 496 F.3d 393 (5th Cir. 2007), the Fifth Circuit held that actionable harassment need not be directed personally at the plaintiff and may consist of generalized or ambient hostility in the

workplace. *See id.* at 400-01. *WC&M* also recognized that under the totality-of-the-circumstances framework a sufficiently severe single incident may give rise to a viable claim. A categorical threshold requirement that excludes off-premises conduct before it can factor into the harassment analysis sits in tension with both *WC&M*'s recognition that ambient hostility is actionable and *Faragher*'s recognition that a single severe incident may suffice.

The panel's omission of the severity analysis was compounded by its failure to address the subjective component of the *Harris* standard. *Harris* requires both objective and subjective proof that the harassment altered the conditions of employment. 510 U.S. at 21-22. The record contains undisputed evidence that Webber feared returning to work, emailed his supervisor documenting those safety concerns, and sought management assurances before he would agree to be in the same room as Rebowe. The panel did not address this evidence. Its conclusion that the posts did not affect a "term, condition, or privilege of employment" cannot be sustained without confronting the subjective prong that *Harris* requires. The conflict between the Fifth and Ninth Circuits is entrenched and directly outcome-determinative. The identical conduct at the identical employer could satisfy or fail the applicable standard depending solely on which circuit's law applies.

D. The Conflict Is Important and This Case Illustrates Why

Social media conduct between coworkers is among the most pervasive forms of workplace harassment encountered by federal courts today. The question whether *Harris*'s totality framework governs such conduct uniformly, or whether workers must satisfy an additional nexus requirement found nowhere in Title VII's text or in *Harris*, determines the scope of federal employment law's protection for millions of American workers.

This case illustrates why the nexus requirement produces untenable results when mechanically applied. Rebowe posted from the dealership's parking lot during working hours, during a protest held immediately adjacent to the dealership premises. At least one post prominently displayed the dealership's advertising billboard. Rebowe Dep. 78:12-16; 83:4-9; 223:4-6. A screenshot of Rebowe's Snapchat post identified him under the label "Leson (manager)," linking the author to his workplace role by name. The connection between that conduct and the workplace is not strained or attenuated. The panel nonetheless held that Webber

"alleges no harassment at LCC, nor any personal or directed harassment affecting his work." That reasoning imports precisely the personal-targeting requirement that *Okonowsky* rejected, and that *WC&M* held is not a prerequisite for actionable harassment in this circuit.

When those posts caused Webber to report his safety concerns to management, management's response was to discourage his safety request and threaten his employment. Under the Ninth Circuit's approach in *Okonowsky*, that combination of off-premises posting and intra-workplace management acquiescence is precisely the totality that Title VII requires courts to examine. *Okonowsky*, 109 F.4th at 1180-81. And just as the Ninth Circuit recognized that management-level endorsement of off-site conduct cements its discriminatory effect within the workplace, *id.* at 1181, management's response here, threatening Webber's job rather than addressing his safety concern, reinforced the hostile conditions that Rebowe's posts created. Under the Fifth Circuit's approach, the posts are categorically off-limits regardless of their content, their origin on dealership property, or their demonstrated effect on the working environment.

II. THE PANEL'S TREATMENT OF THE APOLOGY EVIDENCE CONFLICTS WITH THE FIFTH CIRCUIT'S OWN PUBLISHED DECISION IN *HAGER V. BRINKER TEXAS, INCORPORATED*.

In *Hager v. Brinker Texas, Incorporated*, 102 F.4th 692 (5th Cir. 2024), the Fifth Circuit reversed a summary judgment where an apology acknowledging discriminatory conduct constituted direct evidence of the employer's discriminatory motive. The case involved a Black customer who was denied service at a restaurant. After the customer complained of racial discrimination, the restaurant's hostess told the customer: "I apologize for discriminating against you." *Id.* at 698. The Fifth Circuit held that this apology, viewed in the light most favorable to the nonmovant, was an unambiguous admission of racial discrimination and constituted direct evidence of discriminatory intent. *Id.* at 699. The court reversed the district court's grant of summary judgment to the employer. *Id.* at 706.

Judge Cory T. Wilson wrote separately in *Hager* to emphasize the apology's significance, concurring that the statement created a material issue of fact and stating that he "would analyze this case as one involving direct evidence of discrimination and decline to employ the familiar *McDonnell Douglas* framework at all." *Id.* at 706 (Wilson, J., concurring in part). The panel in

this case included Judge Wilson. *Hager* was filed on May 22, 2024, approximately eighteen months before the per curiam opinion in this case was issued on November 18, 2025. The facts bearing on the apology evidence in this case are analogous to those in *Hager*. Lisa Rebowe issued a public apology acknowledging the discriminatory nature of her son's posts, condemned the conduct, and terminated Rebowe's employment in response to the employee unrest those posts caused. That apology, like the apology in *Hager*, was issued in the immediate context of a complaint of racial discrimination, and it acknowledged the discriminatory character of the conduct at issue.

Yet the panel did not address *Hager*. Instead, the panel stated that Webber could not "plausibly assert that Lisa Rebowe's public apology is direct evidence of discrimination, as any discriminatory intent would be flatly contrary to the stated motivation for her making it." That analysis adopted the employer's benign characterization of its own apology and treated it as conclusive, disregarding Webber's competing interpretation that the apology reflected an acknowledgment that the conduct at issue was discriminatory. At summary judgment, courts may not credit one party's interpretation of disputed evidence over another's. By presuming the employer's version of the apology and rejecting Webber's without analysis, the panel resolved an evidentiary dispute that should have been left to a jury.

The panel's treatment of this evidence is irreconcilable with *Hager*'s holding. Under *Hager*, an employer's apology acknowledging discriminatory conduct is evidence from which a reasonable factfinder could infer that discrimination occurred. Under the panel's approach here, the identical type of evidence supports the opposite conclusion: that the employer acted reasonably and is entitled to judgment as a matter of law. The same court cannot hold that an apology acknowledging discrimination is direct evidence of discriminatory intent in one case and evidence of an employer's good faith in another without creating an intra-circuit conflict that deprives litigants of fair notice of the governing standard. The inconsistency is sharpened by the procedural posture. Both *Hager* and this case arose on summary judgment. Both required the court to view the evidence in the light most favorable to the nonmovant. In *Hager*, that principle compelled reversal because the apology evidence created a genuine dispute of material fact. Here, the panel credited the employer's characterization of its own apology and treated the evidence as foreclosing, rather than creating, a triable issue. That analytical move is precisely the

error this Court has identified when the Fifth Circuit resolves disputed inferences against the nonmovant at summary judgment.

III. THE FIFTH CIRCUIT'S RESOLUTION OF DISPUTED FACTS AGAINST THE NONMOVANT AT SUMMARY JUDGMENT CONFLICTS WITH THIS COURT'S PRECEDENT.

In *Reeves v. Sanderson Plumbing Products, Inc.*, 530 U.S. 133, 150 (2000), this Court reversed the Fifth Circuit for holding that a discrimination plaintiff had not introduced sufficient evidence to sustain a jury verdict, where the Fifth Circuit had failed to consider the record evidence in the light most favorable to the plaintiff. This Court reaffirmed that courts must draw all reasonable inferences in favor of the nonmoving party and may not make credibility determinations or weigh evidence against the nonmovant. In *Tolan v. Cotton*, 572 U.S. 650, 657 (2014), this Court vacated and remanded the judgment of the Fifth Circuit for crediting the defendant's account at the summary judgment stage. The Court reaffirmed that courts ruling on summary judgment motions must view the evidence in the light most favorable to the nonmoving party and draw all justifiable inferences in that party's favor.

The panel's approach here repeats the analytical error this Court has twice corrected. Rather than drawing the inferences available from the record in Webber's favor, the court resolved multiple disputed factual questions against Webber as a matter of law. The panel stated that Webber was terminated after missing "more than two weeks of work without explanation," and deemed immaterial the parties' dispute over whether Colson contacted Webber during his absence, reasoning that "it is undisputed that Webber missed more than two weeks of work without explanation or prior approval." But the record reflects that Webber emailed Colson on June 9, 2020, documenting his safety concerns and requesting time off; that Colson granted the request; that Webber texted Colson on July 2, 2020, explaining he could not remain at the dealership with Rebowe present; and that Colson again gave Webber the day off. Characterizing an absence as "without explanation" when the record contains contemporaneous written communications explaining the absence is precisely the kind of factual resolution against the nonmovant that *Tolan* prohibits.

The timeline alone raises genuine disputes that a factfinder, not a court on summary judgment, must resolve. Rebowe's racially violent posts, created at the dealership during working

hours and directed at Black individuals, caused Webber to fear for his physical safety at work. Rebowe Dep. 78:12-16; 83:4-9; 93:10-13. Webber reported that fear to management and was threatened with termination for doing so. Lisa Rebowe terminated her son, issued a public apology acknowledging the discriminatory nature of the posts, and then reinstated him approximately one month later. Leson Chevrolet Co. 30(b)(6) Dep. 161:18-22; 165:17-22. Webber observed Rebowe at the dealership on July 2, 2020. Colson terminated Webber's employment eighteen days later, after Webber departed without returning following that observation, and without providing Webber any explanation for why the individual whose public posts had prompted Webber's original safety complaint was back at work.

A reasonable juror presented with this sequence of events could find that Colson's stated justification was pretextual. The panel did not permit that inference. Rather than crediting the competing circumstantial evidence in this record, including the threatening response to Webber's safety complaint, the reinstatement of the harasser, and the absence of any explanation to Webber, the panel invoked the same-actor inference to foreclose the possibility of discriminatory intent as a matter of law. That is precisely the kind of weighing of evidence against the nonmovant that *Reeves* and *Tolan* prohibit. The error is compounded by the apology evidence addressed in Part II. The panel treated the employer's public apology as evidence of prompt remedial action supporting summary judgment for the employer, while the Fifth Circuit's own published decision in *Hager* holds that an analogous apology constitutes direct evidence of discrimination precluding summary judgment. The panel's selective crediting of the employer's account and its failure to draw the available inferences from the timeline in Webber's favor reproduce the pattern of error this Court identified in *Reeves* and *Tolan*.

IV. THIS CASE IS A SUITABLE VEHICLE FOR RESOLVING BOTH QUESTIONS.

A. Both Issues Are Preserved and Dispositive

Both questions were raised before the district court and ruled upon by the Fifth Circuit. Both were dispositive of the outcome below: the off-premises social media nexus question determined whether Rebowe's Snapchat posts could be considered in the hostile work environment analysis, and the treatment-of-evidence question determined whether Webber could

proceed to trial on his termination and hostile work environment claims. A ruling in Webber's favor on either question requires reversal.

B. The Record Is Defined and Sufficient

The factual record is not complex. The content and origin of the social media posts are documented in Rebowe's own deposition testimony and confirmed by contemporaneous record evidence establishing that the posts were created at the dealership during working hours and displayed the dealership's signage. Rebowe Dep. 78:12-16; 81:3-5; 83:4-9; 85:1-7; 93:10-13; 223:4-6. The apology is documented in the employer's public statement and the corporate representative deposition. The rehire decision is documented in the employer's corporate representative deposition. Leson Chevrolet Co. 30(b)(6) Dep. 161:18-22; 165:17-22. The chronology of Webber's complaints, management's response, Rebowe's reinstatement, and Webber's termination is documented in the record without material dispute as to sequence. The legal questions presented are primarily legal in character and require no further factfinding on remand for purposes of resolving the questions presented.

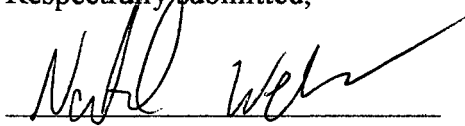
C. The Stakes Are High

Social media is ubiquitous in American workplaces. The question whether *Harris's* totality standard applies uniformly to off-premises digital conduct, or whether an additional nexus threshold applies in some circuits but not others, determines whether tens of millions of American workers receive the full protection of Title VII's prohibition on discriminatory conditions of employment. The treatment-of-evidence question determines whether courts may credit an employer's characterization of its own remedial response while disregarding the competing inferences available from the same evidence, and whether published circuit precedent on the evidentiary significance of apology evidence governs uniformly within the circuit that issued it. Both questions are important, recurring, and in need of uniform resolution.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Nathaniel Webber', is written over a horizontal line.

Nathaniel Webber, *Pro se*

May 1, 2026