

No. 26-5718 **ORIGINAL**

Supreme Court, U.S.
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IN THE

SUPREME COURT OF THE UNITED STATES

Bibi Nohia Saidwal — PETITIONER
(Your Name)

vs.

Flag Ship — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Ninth Circuit.
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether a federal court of appeals violates a litigant's Fifth Amendment Due Process rights and deeply departs from the accepted and usual course of judicial proceedings by affirming an order compelling arbitration, where the District Court denied the petitioner the right to amend the complaint to name the true corporate actor "Facebook" despite uncontradicted record evidence that Facebook's corporate security forces directly executed the retaliatory adverse action.

2. Whether a federal court of appeals violates its judicial duty to review an evidentiary record under Supreme Court Rule 10(a) by affirming a lower court judgment, thereby ignoring a pre-existing state administrative court finding that the employer "Flagship" engaged in illegal retaliation and was legally untrustworthy under California Evidence Code § 412 for deliberately with-holding evidence.

3. Whether systemic fraud, the fabrication of employment records by defense counsel to discredit key witnesses, and deliberate interference by an arbitration administrator to suppress a pro se litigant's procedural paper trail constitute a structural denial of due process that invalidates an arbitration award under the Federal Arbitration Act.

LIST OF PARTIES

Bibi Nohia Saidwal vs. Flagship

No. 19-cv-08211-JSW

United States District Court for the Northern District of California

Bibi Nohia Saidwal vs. Flagship

No. 24-6573

United States Court of Appeals for the Ninth Circuit

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OPINIONS BELOW

The memorandum opinion of the United States Court of Appeals for the Ninth Circuit is un-published but is attached hereto in the Appendix as Appendix A. The underlying order of the United States District Court for the Northern District of California (Oakland Division) Denying Motion to Vacate Arbitration Award, Dismissing Claims and Entering Judgement is attached as Appendix B. The order of the Ninth Circuit denying a timely petition for panel rehearing on June 30 is attached as Appendix C. The state administrative decision of the Employment Development Department (EDD) Appeals Board is attached as Appendix D.

JURISDICTION

The judgment of the United States Court of Appeals for the Ninth Circuit was entered on an underlying memorandum opinion. A timely petition for panel rehearing was denied by the Ninth Circuit on June 30. This Petition for a Writ of Certiorari is filed within 90 days of that denial order, on or before Monday, September 28, 2026, under Supreme Court Rule 13.3. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

Constitutional & statutory Provisions:

The Fifth Amendment to the United States Constitution provides, in relevant part, that no person shall "be deprived of life, liberty, or property, without due process of law."

Title 18, United States Code, Section 1001(a) provides, in relevant part:

"Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title [or] imprisoned..."

California Evidence Code Section 412 provides:

"If weaker and less satisfactory evidence is offered when it was within the power of the party to produce stronger and more satisfactory evidence, the evidence offered should be viewed with distrust."

STATEMENT OF THE CASE

This case presents a severe, multi-layered breakdown of constitutional due process, characterized by corporate retaliation, structural manipulation of the arbitral process, and an appellate court's absolute abdication of its duty to review a fraudulent record.

A. The 2018 Whistleblowing Incident and Retaliation

I, Bibi Nohia Saidwal, was terminated from my employment with Respondent Flagship after raising critical internal complaints regarding active food cross-contamination hazards and harassment. Specifically, I documented cross-contamination regarding the preparation of Halal chicken cooked on the same grill alongside pork meat (Polish dogs), directly violating health codes and religious dietary standards (App. E, Ex. 1, Page 25 & Ex. 4, Page 30). Internal management emails explicitly confirm that Flagship was acutely aware of this exposure, noting: "Bibi Saidwal is thinking about escalating her claims about issues working for us" (App. E, Ex. 2, Page 27).

In direct retaliation for this protected whistleblowing activity, Respondents engineered a fraudulent narrative to destroy my reputation and livelihood, falsely labeling me a "terrorist" and even went so far as to take me to court to strip me of my unemployment benefits. Respondents weaponized federal law enforcement by providing knowingly false statements to the Federal Bureau of Investigation (FBI) in direct violation of 18 U.S.C. § 1001, triggering an FBI terrorism investigation against Me and an entry by agents into my private residence (App. E, Ex. 5, Page 31).

During subsequent state administrative proceedings, an Administrative Law Judge for the California Employment Development Department (EDD) Appeals Board, Judge Graham Freer, reviewed the evidentiary record and exposed the extreme bad faith of Respondent Flagship. The EDD Court explicitly ruled that Flagship produced zero evidence for their severe claims, held that the company bore the burden of proof under Unemployment Code section 412, and formally determined that Flagship's filings and testimony must be viewed with extreme

distrust due to their willful suppression of evidence (App. D, Pages 11-14) (App. E, Ex. 14, Pages 55-59)

B. District Court Error: Forced Arbitration and Preclusion of the True Corporate Actor

Armed with the EDD judicial finding, I initiated a civil action in the U.S. District Court for the Northern District of California (Oakland Division). Rather than allowing the claims to be heard before an Article III jury, the District Court forced the matter into mandatory binding arbitration.

During these early proceedings, I discovered that the parent company, Respondent Facebook, had a direct hand in executing the retaliation. It was Facebook's corporate security forces that physically confiscated my identification badge and executed a defamatory "Be On the Look Out" (BOLO) order against my ID, which directly triggered the automated FBI notification. Despite clear record evidence of this independent corporate liability, the District Court denied my motion to amend my complaint to add Facebook, structurally insulating the mother company from liability and fracturing the case before arbitration commenced.

C. Arbitral Fraud: Explicit Perjury and Witness Fabrications

The subsequent arbitration was entirely infected by systemic defense fraud, witness tampering, and explicit perjury. I captured and preserved irrefutable transcript evidence exposing these deceptive practices.

First, during cross-examination under oath at the EDD court hearing, Respondent's Human Resources representative, Celeste, explicitly admitted that the timeline of complaints and terrorist accusations against me was retroactively fabricated to cover up my whistleblowing. Celeste admitted under oath that I raised concerns to management about cross-contamination and harassment, and "after my complaints, the same day she stated, that, is when everyone else brought their retaliatory complaints as well" (App. E, Ex. 14, Pages 55-59). Celeste further admitted that this manufactured "terrorist threat" timeline was what was directly used to justify the security BOLO and the subsequent FBI involvement.

Second, defense counsel engaged in the active fabrication of employment records to systematically discredit my key witnesses. Defense counsel falsely asserted twice to the arbitrator that my corroborating witness, Jonathan Reglano, was hired on November 21, 2018, to argue that his testimony lacked weight. I completely shattered this deception by introducing an actual conversation log with Jonathan Reglano explicitly stating: "All I remember was that I was hired in 2013" (App. E, Ex. 9, Page 38-40).

Defense counsel committed further fraud regarding witness Melissa Allen, falsely stating twice during arbitration that she had stopped working for Flagship in July of 2018 before I complained. I exposed this fabrication when I discovered that the defense accidentally attached Melissa Allen's actual interview file to their own auxiliary filings, proving that she was actively employed and read the letter I had passed out on November 28, 2018. The defense attempted to lie and delete her interview from the record because it destroyed their false narrative (App. E, Ex. 10, Page 41-44).

D. Systemic Suppression of the Procedural Paper Trail

The arbitration forum itself actively conspired to deny me a fair hearing by blocking my ability to preserve a record. When I attempted to secure mandatory subpoena forms to compel evidence, the JAMS Arbitration Corporation's digital portal locked me out due to a technical failure. During a Phone Conversation with a JAMS employee, I tried to formally request the forms. Fearing the creation of an official record that would expose the procedural compliance, the administrator explicitly ordered me not to submit a formal email request, stating over the phone that providing the forms via email would be considered "legal advice" (App. E, Ex. 13, Page 53-54).

This deliberate administrative obstruction directly prevented me from establishing a crucial paper trail, allowing both the Arbitrator and the defense to later pretend they had no prior knowledge of my complaints and falsely argue that I failed to diligently pursue my discovery requests.

The Arbitrator ultimately ruled entirely in favor of the defense, going so far as to

openly display bias by giving false testimony during the Arbitration hearing, before summarily dismissing my claims (App. E, Ex. 11, Page 45-51). On appeal, the United States Court of Appeals for the Ninth Circuit completely ignored these transcripts, records, and audio logs, upheld the fraudulent arbitration award and entered a summary denial of rehearing on June 30.

Reasons for Granting the Writ:

I. THE NINTH CIRCUIT VIOLATED PETITIONER'S FIFTH AMENDMENT DUE PROCESS RIGHTS BY AFFIRMING A STRUCTURALLY FLAWED ORDER COMPELLING ARBITRATION THAT INSULATED THE TRUE CORPORATE ACTOR FROM LIABILITY.

A core tenet of the Fifth Amendment's Due Process Clause is the guarantee of a fair hearing against the actual entities responsible for a litigant's harm. When a federal district court completely deprives a litigant of the right to amend their complaint to name a primary, jointly liable defendant—despite uncontradicted record evidence of that entity's direct involvement—it structurally fractures the integrity of the entire proceeding.

In the case below, the District Court forced this entire matter out of an Article III forum and into mandatory binding arbitration. Crucially, the District Court denied my timely motion for leave to amend the operative complaint to add the parent company Facebook. This denial occurred despite explicit evidence that Facebook's independent corporate security forces were the active agents who physically confiscated my identification badge and published a defamatory, retaliatory "Be On the Look Out" (BOLO) alert against me.

By affirming this restriction, the Ninth Circuit accepted a fractured arbitration proceeding that legally insulated the parent company, Facebook, from liability before discovery even commenced. Forcing a pro se litigant into an arbitral forum while actively precluding them from asserting claims against the true corporate actor who executed the retaliatory dynamic is a severe departure from the accepted course of judicial proceedings under Supreme Court Rule 10(a). This Court should grant review to clarify that the Federal Arbitration Act cannot be used as a shield to insulate non-signatory parent companies who actively participate in corporate retaliation and civil rights violations.

II. THE LOWER COURTS ABDICATED THEIR JUDICIAL DUTY BY IGNORING A PRIOR STATE JUDICIAL ADJUDICATION DETERMINING THAT RESPONDENT WAS

UNTRUSTWORTHY UNDER UNEMPLOYMENT CODE AND EVIDENCE CODE STANDARDS.

Under long-standing precedent of this Court, federal courts are required to give full faith and credit to the final administrative findings of state agencies acting in a judicial capacity. *University of Tennessee v. Elliott*, 478 U.S. 788 (1986). When an appellate court completely abdicates its duty to review a properly preserved record and instead credits the unsupported assertions of an employer over a prior judicial finding, it violates basic constitutional due process.

Long before I initiated my federal civil action, a competent state administrative law judge for the California Employment Development Department (EDD) Appeals Board conducted a full evidentiary hearing. That judge reviewed the records, caught Respondent Flagship hiding evidence, and issued a final decision finding that the employer had engaged in clear retaliation. Crucially, the EDD Judge explicitly ruled that Respondent Flagship's filings and testimony must be viewed with extreme distrust because they failed to show proof and willfully suppressed superior evidence in violation of the governing evidentiary codes (App. D, Page 11-14) (App. E, Ex. 14, Pages 55-59).

Despite this binding determination of bad faith, the District Court and the Ninth Circuit systematically ignored the EDD ruling. Instead of applying issue preclusion or collateral estoppel to hold Respondent Flagship to account, the lower courts treated the employer's unsworn, verbal denials as fact. Allowing a federal appellate court to completely bypass a prior judicial finding of corporate untrustworthiness undermines the predictability, finality, and integrity of the American judicial system.

III. THE ARBITRATION AWARD IS ENTIRELY INVALID UNDER THE FAA DUE TO SYSTEMIC DEFENSE FRAUD, EXPLICIT PERJURY, AND Private ARBITRAL CORRUPTION.

Section 10(a)(1) of the Federal Arbitration Act (FAA) explicitly states that a federal court must vacate an arbitration award where the award was "procured by corruption, fraud, or undue means." Furthermore, due process is entirely

destroyed when a private arbitration forum actively manipulates the administrative process to block a pro se litigant from establishing a procedural paper trail.

The record in this case contains irrefutable, word-for-word transcript and exhibit evidence proving that the entire arbitration process was infected by fraud and perjury. First, during cross-examination under oath, Respondent Flagship's Human Resources representative explicitly admitted that the timeline of complaints and the severe "terrorist" allegations weaponized to trigger an FBI investigation (in violation of 18 U.S.C. § 1001) were only brought up retroactively—after I blew the whistle on rampant campus harassment and severe cross-contamination hazards (App. E, Ex. 14, Pages 55-59).

Second, defense counsel actively fabricated employment records to falsely claim to the arbitrator that my corroborating witnesses were "new hires" or had left the company, a narrative completely shattered by the defense's own unedited internal files and direct witness statements proving long-term employment spanning back to 2013 (App. E, Ex. 9, Pages 38-40 & Ex. 10, Pages 41-44).

Finally, the private arbitration corporation itself directly interfered with my procedural due process. When technical system failures locked me out of the subpoena portal close to a vital deadline, a JAMS employee explicitly ordered me not to submit a formal email request, falsely claiming that providing standard subpoena forms constituted "legal advice" (App. E, Ex. 13, Pages 53-54). This deliberate obstruction directly prevented me from establishing a paper trail, allowing defense counsel to falsely argue that I failed to pursue discovery.

Compounding this structural failure, the Arbitrator displayed open, extrajudicial prejudice by ignoring all of my evidence and arguments. By completely failing to review these explicit transcripts and accepting an arbitral award procured by fraud, bias, and explicit perjury, the Ninth Circuit deeply departed from the standard course of judicial proceedings. Immediate intervention by this Court is necessary to protect pro se litigants trapped in fraudulent private arbitration forums.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant this Petition for a Writ of Certiorari, vacate the judgment of the United States Court of Appeals for the Ninth Circuit, to protect Petitioner's constitutional rights to Due Process and together with further relief as the court deems just and proper.

Respectfully submitted,

Bibi Nohia Saidwal

September 28, 2026