United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit
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Lyle W. Cayce
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No. 25-20546

In the Matter of Jagannathan Mahadevan,

Debtor,

Jagannathan Mahadevan,

Appellant,

versus

Prem Bikkina,

Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:25-CV-901

Before Elrod, *Chief Judge*, and Clement and Oldham, *Circuit Judges*.

Per Curiam:[*]

This bankruptcy appeal arises from a long-running dispute between Prem Bikkina and his former PhD advisor, Jagannathan Mahadevan. In 2018, a California state court awarded Bikkina a $776,000 judgment against

[*] This opinion is not designated for publication. *See* 5th Cir. R. 47.5.

Mahadevan for negligence, defamation, and intentional infliction of emotional distress after Mahadevan repeatedly accused Bikkina of plagiarism and using falsified data in a published article. Mahadevan filed for Chapter 7 bankruptcy in Texas, leading Bikkina to initiate an adversary proceeding. After a bench trial, the bankruptcy court determined that Mahadevan's debt is nondischargeable under 11 U.S.C. § 523(a)(6) because the debt is "for willful and malicious injury." The district court affirmed. Proceeding pro se, Mahadevan appealed, arguing that his debt is dischargeable because he did not intend to injure Bikkina. Because there was an objective substantial certainty that Mahadevan's conduct would harm Bikkina, we AFFIRM.

I

A

Bikkina was a PhD candidate in the petroleum engineering department at the University of Tulsa, and from 2007 to 2010, Mahadevan was his dissertation advisor. By May 2010, Bikkina was assigned a new advisor after he complained that Mahadevan was intentionally delaying his progress toward his PhD and harassing him.

About a year later, while Bikkina was still enrolled at TU, he wrote an article and submitted it for publication in an academic journal. Mahadevan claims that Bikkina's article plagiarized his work. And before Bikkina's article was published, Mahadevan emailed an editor of the journal asserting that Bikkina's data was invalid because the samples he relied on were contaminated with fluorine. Bikkina had observed fluorine on one of his samples, but he did not believe it was significant or that it affected other samples. Bikkina allowed Mahadevan to write a paragraph to be included in the article identifying the presence of the fluorine. He also offered to credit Mahadevan as a co-author, but Mahadevan declined.

Shortly thereafter, Mahadevan informed a TU administrator that the matter was resolved, he would not pursue allegations of misconduct against Bikkina, and Bikkina was free to publish the article as its sole author. But two weeks later, Mahadevan reversed course and told the university's administration that he had a right to be listed as a co-author. TU's Provost and Vice President for Academic Affairs notified the journal that the university supported publishing the article with Bikkina as sole author. The journal published the article the next month, listing Bikkina as the sole author.

Later that month, Mahadevan and Bikkina filed complaints against each other with the university. Mahadevan alleged that Bikkina was harassing him and repeated his claim that Bikkina's article relied on falsified data. Bikkina responded by claiming that Mahadevan falsely accused him, harassed him, and interfered with his article's publication.

In September 2011, Bikkina published a second article in another journal. Bikkina did not list Mahadevan as one of his co-authors because Mahadevan had told him not to acknowledge him in any of his publications. But a month after the article was published, Mahadevan emailed one of Bikkina's co-authors insisting that he should be listed as a co-author. Bikkina forwarded the email to the university in connection with a second harassment complaint he filed against Mahadevan. The next day, Mahadevan submitted a hand-written resignation letter to the university because he was dissatisfied with the outcome of his misconduct complaints against Bikkina and because he was denied tenure. Before Mahadevan's resignation became effective, TU's Provost informed Bikkina's co-author of the university's position that Bikkina did not have to credit Mahadevan as a co-author.

Mahadevan continued lodging complaints against Bikkina with the university even after he resigned. He filed a complaint in March 2012 and sent administrators an email in April 2013 repeating his allegations that Bikkina falsified the first paper and plagiarized both papers and his dissertation. In May 2013, the university issued a memorandum finding that while Bikkina had committed no wrongdoing, Mahadevan repeatedly violated the university's policies on harassment and ethics.

That fall, Bikkina began a postdoctoral fellowship at Lawrence Berkeley National Laboratory in California. While there, he attended a presentation by Mahadevan in which Mahadevan referenced Bikkina's first paper and told the audience that it was based on contaminated data. Soon after, Mahadevan sent Bikkina a cease-and-desist letter asserting violations of his copyright and moral rights as well as misappropriation of his intellectual property. He also emailed Berkeley Lab's Research and Institutional Integrity Officer (copying Bikkina and other Berkeley Lab officials), repeating his claims that Bikkina plagiarized his work and falsified data.

Bikkina sued Mahadevan in California state court, seeking compensatory and punitive damages for claims of negligence, defamation, and intentional infliction of emotional distress. In February 2018, a jury found Mahadevan liable and awarded Bikkina $776,000 in compensatory damages. Mahadevan then filed for Chapter 13 bankruptcy in the Southern District of Texas before dismissing that action and filing for Chapter 7 bankruptcy in February 2021.

B

Bikkina then initiated the underlying adversary proceeding, asserting that the California judgment is nondischargeable under 11 U.S.C. § 523(a)(6) because the debt arose from a "willful and malicious injury by the debtor." The bankruptcy court granted summary judgment to Bikkina, ruling that issue preclusion applied because the California jury determined that

Mahadevan's conduct was willful and malicious. The district court reversed and remanded, concluding that issue preclusion did not apply since it was not clear that the California jury determined that Mahadevan acted willfully and maliciously. *In re Mahadevan*, 617 F. Supp. 3d 654, 667 (S.D. Tex. 2022).

On remand, the bankruptcy court held a bench trial to determine whether Mahadevan's conduct was willful and malicious. The bankruptcy court found that while Mahadevan did not subjectively intend to cause Bikkina harm, he still caused a willful and malicious injury because there was an objective substantial certainty that his repeated allegations would harm Bikkina. *In re Mahadevan*, 668 B.R. 138, 149–53 (Bankr. S.D. Tex. 2025). Mahadevan appealed to the district court, which affirmed the bankruptcy court's judgment of nondischargeability. *In re Mahadevan*, 676 B.R. 162, 184 (S.D. Tex. 2025). Mahadevan then timely appealed to this court.

II

We review the bankruptcy court's decision under the same standards as the district court in its appellate function. *In re Sanchez Energy Corp.*, 159 F.4th 309, 317 (5th Cir. 2025). Thus, we review the bankruptcy court's findings of fact for clear error and its conclusions of law de novo. *Id.* We review its evidentiary rulings for abuse of discretion. *In re Repine*, 536 F.3d 512, 518 (5th Cir. 2008). To vacate a judgment based on an erroneous evidentiary ruling, we must find that the error affected the "substantial rights of the parties," meaning that it was prejudicial and impacted the outcome of the proceeding. *Harris v. FedEx Corp. Servs., Inc.*, 92 F.4th 286, 303 (5th Cir. 2024) (citation omitted).

III

Mahadevan raises three main issues on appeal. First, he argues that the debt is dischargeable under § 523(a)(6) because he lacked a subjective intent to injure Bikkina. Second, he asserts that the bankruptcy court erred by admitting "wholesale unauthenticated hearsay" and relying on it for the truth of the matter asserted. Third, he contends that Bikkina's complaint "failed to plead the specific facts necessary to support a federal claim." We address each issue in turn.

A

Section 523(a)(6) of the Bankruptcy Code provides that a debt "for willful and malicious injury by the debtor to another entity" is excepted from discharge. 11 U.S.C. § 523(a)(6). Because the "word 'willful' in (a)(6) modifies the word 'injury,' indicating that nondischargeability takes a deliberate or intentional *injury*, not merely a deliberate or intentional *act* that leads to injury," the Supreme Court has held that "debts arising from recklessly or negligently inflicted injuries do not fall within the compass of § 523(a)(6)." *Kawaauhau v. Geiger*, 523 U.S. 57, 61, 64 (1998). Building off this explanation, we have held that the "test for willful and malicious injury under Section 523(a)(6) . . . is condensed into a single inquiry of whether there exists 'either an objective substantial certainty of harm or a subjective motive to cause harm' on the part of the debtor." *In re Williams*, 337 F.3d 504, 509 (5th Cir. 2003) (quoting *In re Miller*, 156 F.3d 598, 606 (5th Cir. 1998)).

Mahadevan argues that his debt arising from the California judgment is dischargeable because the bankruptcy court found him credible and he testified that he did not intend to harm Bikkina. But this argument ignores the fact that even if a debtor did not subjectively intend to cause harm, an injury is still willful and malicious if there was "an objective substantial certainty of harm." *Miller*, 156 F.3d at 606.

The bankruptcy court found that there was an objective substantial certainty of harm because Mahadevan "knew with substantial certainty" that his allegations were false and that he would harm Bikkina professionally by spreading them. *Mahadevan*, 668 B.R. at 151–53. The court found that Mahadevan knew his allegations of plagiarism had been repeatedly rejected as false by TU, that Mahadevan indicated he would no longer pursue any misconduct allegations, and that Bikkina was free to publish his first article as its sole author. *Id.* at 151–52. Further, the court found that Mahadevan knew that article did not contain falsified data, particularly because Bikkina included a paragraph written by Mahadevan that addressed the fluoride contamination in one of the research samples. *Id.* at 152. Because Mahadevan repeated his allegations of scientific misconduct even after the university cleared Bikkina of wrongdoing and Mahadevan himself addressed the data contamination in Bikkina's paper, the bankruptcy court found that Mahadevan knew with substantial certainty that his allegations were false at the time he spread them.[1] *Id.*

The bankruptcy court found that Mahadevan knew his allegations were substantially certain to harm Bikkina. As a scientist himself, Mahadevan knew that a scientist's career hinges on his reputation for truthfulness and accuracy. *Id.* at 153. The court found that by spreading false allegations of misconduct—specifically "to institutions and individuals who Mahadevan knew had direct influence over Bikkina's career"—Mahadevan's conduct was substantially certain to cause Bikkina distress, tarnish his reputation in the scientific community, and put his career at risk. *Id.*

Reviewing the evidence "in light of the record viewed in its entirety," we are not "left with the definite and firm conviction that a mistake has been

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[1] Mahadevan argues that the bankruptcy court erred by concluding that the "actual falsity" of his allegations was precluded by the California judgment. But the bankruptcy court did not rely on issue preclusion to determine this issue. Rather, it found by a preponderance of the evidence presented at trial that Mahadevan knew his allegations had been rejected as false.

committed." *Anderson v. City of Bessemer City*, 470 U.S. 564, 573–74 (1985) (quoting *United States v. U.S. Gypsum Co.*, 333 U.S. 364, 395 (1948)). The bankruptcy court's findings are plausible and supported by the record. Accordingly, the court did not clearly err by finding that there was an objective substantial certainty that Mahadevan's conduct would harm Bikkina.[2]

B

Mahadevan argues that the bankruptcy court relied on hearsay to find that he knew with substantial certainty his allegations were false. He contends that the court relied on exhibits—such as the Provost's letter supporting the publication of Bikkina's article with him as the sole author and TU's memorandum finding that Mahadevan had violated university policies—even though they were inadmissible hearsay.

But this evidence was not hearsay. The bankruptcy court admitted the exhibits under Federal Rule of Evidence 803(3), which excepts a "statement of the declarant's then-existing state of mind" from the rule against hearsay. As the district court correctly noted, the evidence did not satisfy Rule 803(3) because it was offered to show its effect on the listener rather than the state

[2] Mahadevan relies on our unpublished opinion, *In re Vollbracht*, 276 F. App'x 360 (5th Cir. 2007) (per curiam), to argue that even if his conduct was substantially certain to harm Bikkina, his debt is still dischargeable because his conduct was "sufficiently justified under the circumstances." *Id.* at 362. *Vollbracht* "addressed situations in which the 'actions of the injured party' are relevant to the 'willful and malicious' inquiry." *In re Matloff*, No. 24-10439, 2025 WL 2848990, at *20 n.35 (5th Cir. Oct. 8, 2025) (per curiam) (quoting *Vollbracht*, 276 F. App'x at 362). Specifically, we reasoned that a punch to the face, while substantially certain to cause harm, could still *not* be willful and malicious if the punch was "sufficiently justified under the circumstances" because it was in self-defense. *Vollbracht*, 276 F. App'x at 362. But, "to date, we have not extended *In re Vollbracht*'s additional, fact-specific 'not sufficiently justified under the circumstances' inquiry beyond situations involving physical attack." *Matloff*, 2025 WL 2848990, at *20 n. 35. Once more, we decline to extend *Vollbracht*.

of mind of the author. *In re Mahadevan*, 676 B.R. at 174. Even so, "a statement is not hearsay if it is offered to prove the statement's effect on the listener." *United States v. Reed*, 908 F.3d 102, 120 (5th Cir. 2018). Thus, these exhibits were admissible notwithstanding the bankruptcy court's erroneous reasoning as to their admissibility.

In addition, Mahadevan challenges the admission of one of his own emails to a university administrator. This email was an admissible, non-hearsay statement of an opposing party. FED. R. EVID. 801(d)(2). The exhibit was not hearsay, so the bankruptcy court did not abuse its discretion in admitting or relying on it.

C

Lastly, Mahadevan challenges the factual sufficiency of Bikkina's complaint. He asserts that the bankruptcy court erred in denying his motion for judgment on the pleadings in which he argued that Bikkina merely attached the California judgment instead of alleging "specific facts and grounds for non-dischargeability."

Generally, "a party is entitled to a single appeal, to be deferred until final judgment has been entered, in which claims of district court error at any stage of the litigation may be ventilated." *Digital Equip. Corp. v. Desktop Direct, Inc.*, 511 U.S. 863, 868 (1994). But some interlocutory rulings "are unreviewable after final judgment because they are overcome by later developments in the litigation." *Dupree v. Younger*, 598 U.S. 729, 734 (2023).

A denial of a motion challenging the factual sufficiency of a complaint is one such ruling. "After a trial on the merits, the sufficiency of the allegations in the complaint is irrelevant." *Bennett v. Pippin*, 74 F.3d 578, 585 (5th Cir. 1996). "When the plaintiff has prevailed after a full trial on the merits," the denial of a Rule 12(b)(6) or Rule 12(c) motion challenging the factual sufficiency of the complaint "becomes moot." *Id.* Indeed, at that point, the "plaintiff has proved, not merely alleged, facts sufficient to support relief." *Id.*

When Bikkina prevailed at trial, Mahadevan's challenge to the factual sufficiency of his complaint became moot. We therefore decline to reach this issue.[3]

IV

For these reasons, we AFFIRM the judgment of the district court affirming the bankruptcy court's holding that Mahadevan's debt is nondischargeable under § 523(a)(6).

[3] In our order denying Mahadevan's petition for a writ of mandamus, we stated: "If the bankruptcy court rules, after a trial, that any portion of the debt owed to Bikkina is non-dischargeable, Mahadevan will have an opportunity to appeal that ruling and challenge the sufficiency of the complaint and the discovery rulings of the bankruptcy court." *In re Mahadevan*, No. 23-20353, order at 4 (5th Cir. Oct. 27, 2023). To clarify, had Mahadevan challenged the *legal* sufficiency of the complaint, he could have appealed that challenge after final judgment. *ClearOne Commc'ns, Inc. v. Biamp Sys.*, 653 F.3d 1163, 1172 (10th Cir. 2011). But his challenge to the *factual* sufficiency of the complaint became unreviewable when Bikkina prevailed at trial.

Andrew S. Oldham, *Circuit Judge*, concurring in the judgment:

Our court previously held that the test for willful and malicious injury under § 523(a)(6) is whether the debtor harbored "either an objective substantial certainty of harm or a subjective motive to cause harm." *Miller v. J.D. Abrams, Inc. (In re Miller)*, 156 F.3d 598, 606 (5th Cir. 1998). It appears that *Miller*'s objective standard is an outlier. *See* 4 Collier on Bankruptcy ¶ 523.12 ("Most courts have adopted a purely subjective approach, requiring that the debtor desire the consequences of his or her conduct or, at least, subjectively believe that the injurious consequences are substantially certain to result from the conduct."); *id.* n.30 (indicating that *Miller* is at odds with decisions from the Sixth, Eighth, Ninth, and Tenth Circuits). And at least two circuits have expressly criticized *Miller* and its reasoning. *See In re Su*, 290 F.3d 1140, 1144–47 (9th Cir. 2002) (criticizing *Miller* for inappropriately expanding nondischargeability); *In re Englehart*, 229 F.3d 1163 (10th Cir. 2000) (table), 2000 WL 1275614, *3 (criticizing *Miller* as inconsistent with *Kawaauhau v. Geiger*, 523 U.S. 57, 62 (1998)).

In an appropriate case, our en banc court should reconsider this question.