

No. 22-1109

**In The
Supreme Court of the United States**

IRVING F. ROUNDS JR.,

Petitioner,

VS.

CHARLIE BAKER, GOVERNOR ET AL.,

Respondents.

**On Petition For A Writ Of Certiorari
To The Massachusetts Supreme Judicial Court**

PETITION FOR REHEARING

IRVING F. ROUNDS, JR.
Petitioner (Pro Se)
48 N. Sturbridge Road
Apt. B
Charlton, MA 01517
781.504.8974
Email: roundsmechanical5@protonmail.com

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SUPREME COURT, U.S.

QUESTIONS PRESENTED

Has Irving Rounds, Jr. (hereinafter "Petitioner") been deprived of his due process rights under the 5th, 7th and 14th Amendments to the Constitution of the United States where the lower courts:

- A. Failed to properly weigh the evidence presented in the Massachusetts Superior, Appeals and Supreme courts, Federal District Courts in Boston and Worcester MA, the United States First Circuit Court of Appeals, the Supreme Court of the United States Court and grant hearings and place restraining Orders on the named individuals?
- B. Failed to provide him with the police department public records to stop irreparable harm to the Petitioner?
- C. Failed to provide him with said Jury trial on the facts of his case under the 7th Amendment to the United States Constitution and provide injunctive relief?
- D. In the instance of the Massachusetts Superior court (Campo, J.), failed to recuse himself from the matter before him?

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PETITION FOR REHEARING

The Petitioner is an individual who resides in Charlton, Massachusetts, respectfully petitions this Court for a Writ of Certiorari to review the judgments of the Massachusetts Superior, Appeals and Supreme Courts, U.S. Court of Appeals for the First Circuit and the U.S. District Courts in Boston and Worcester, Massachusetts and the Supreme Court of the United States as provided in Rule 65 of the Federal Rules of Civil Procedure.

OPINIONS BELOW

Rounds v. Baker, et al.

*Rounds v. Environmental Protection Agency,
et al.*

*Rounds v. Environmental Protection Agency,
et al Rounds v. Koch et al.*

Rounds v. U.S. Department of Justice, et al.

The decisions by the Massachusetts Superior, Appeals, Supreme Courts, the U.S. District Courts in Boston and Worcester, Massachusetts, the United States Court of Appeals for the First Circuit, the Supreme Court of the United States denied the Petitioner's Requests for hearings for Injunctive Relief as well as his demand for a Jury Trial. These rulings and orders are attached at original Appendix ("App.") filed.

JURISDICTION

The Petitioner invokes this Court's jurisdiction under 28 U.S.C. § 1254, having timely filed his original Petition for a Writ of Certiorari within ninety (90) days of judgment of the Massachusetts Supreme Court and within twenty-five (25) days of the decision of the U.S. Supreme Court relative to his original Petition for a Writ of Certiorari.

CONSTITUTIONAL PROVISIONS

United States Constitution, Amendment V

"The Fifth Amendment says to the federal government that no one shall be 'deprived of life, liberty or property without due process of law.'"

United States Constitution, Amendment VII

"In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law."

United States Constitution, Amendment XIV

"No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or

property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

◆

STATEMENT OF THE CASE

1. The Petitioner’s legal efforts to report (“Blow the Whistle”) on his former employer for violations of the Clean Air Act to the U.S. EPA for illegally venting refrigerants were exercised in good faith

In January of 1998 the Petitioner was employed with Airtron Heating and Air Conditioning, Inc., (herein “Airtron”) formerly of Oldsmar, Florida. At this time he reported his employer to Special Agent Daniel Green of the Criminal Investigation Division (CID) of the Environmental Protection Agency (EPA) at the agency’s Tampa, Florida field office relative to numerous violations of the Clean Air Act (i.e. illegal venting of refrigerants, mold problems with installations of HVAC systems, etc.). The Petitioner was concerned with his safety and that of his ex-wife having received death threats; he requested witness protection and Agent Green guaranteed it. Over the ensuing months, Agent Green would renege on this promise. Group MAC, the parent company of the Petitioner’s employer, Airtron, was partially owned by Charles and David Koch (a/k/a the Koch Brothers). During a period of subsequent years and to the present, the Petitioner has been systematically threatened, harassed and intimidated by agents and employees of Airtron, the Koch Brothers

and the U.S. Department of Justice to the extent that his health, his employment career and his privacy (including but not limited to all communications) have been severely compromised (some activities are evidenced by court filings and documents included in the Supreme Court of the United States Application (22A1020) injunction relief filed on May 22, 2023.

2. The Massachusetts Superior, Appeals and Supreme Court's Decisions

The Petitioner filed a complaint with attached Request for Injunction on November 25, 2019. A subsequent hearing took place on December 3, 2019. At the hearing the Petitioner presented factual evidence and claimed a necessity to be provided with those public records in order to secure a restraining order against this one individual that had been threatening the Petitioner and physically harming him.

The Petitioner had provided two pictures of the individual threatening the Petitioner and the public with what appears to be a pocket pistol firearm; he was going to discharge it at the Petitioner. Other evidence of potential harm by the other individuals was also presented.

The Petitioner had also provided Judge Campo with other evidence of the individual (Richard Ciruolo) who almost struck the Plaintiff and his dogs with a motor vehicle. This man is presumed to be one of five managers involved in my ex-wife's staged car crash on March 5, 2015, in which the Petitioner met with the

State Police. It is presumed that the Massachusetts State Police know that the DOJ perpetuated this event.

The Petitioner had stated in email correspondence that the reason these two individuals had potential motives for threatening the Petitioner, is that they could be potentially charged with their involvement in my ex-wife's staged car crash on March 5, 2015.

Because of all the inconsistencies with the Massachusetts Superior Court Clerk Melissa Doris Juarez, Judge Tochka's coincidental retirement along with Judge Campo had been appointed by Defendant Baker and how Judge Campo spoke to the Petitioner at the March 25, 2021, hearing, to avoid erroneous deprivations of the right to due process, this court should reconsider the decisions of the Massachusetts, Superior Appeals and Supreme Judicial Courts in Boston, Massachusetts denying the Petitioner due process by not allowing a hearing, failing to properly weigh the evidence and failing to recuse. The Petitioner had also requested a hearing at a different venue at a different Massachusetts County Superior Court. Both of those requests were denied. On June 14, 2021, a hearing was conducted on the Petitioner's motion for reconsideration. At that hearing the Petitioner had prepared the Petitioner's joint appendix for memorandum with his motion for reconsideration. The Petitioner pointed out that he had addressed the motion for reconsideration on three matters: 1) that it was filed in the correct county, 2) the motion for reconsideration from the public records division was filed in a timely manner, and

3) the Petitioner had filed the lawsuit specifically against the three offices of the state which had authority over the Public Records Division. More specifically, the Petitioner asserted that the records existed but were not being released for whatever reason.

The Petitioner clearly stated that he was being physically harmed by these individuals and that the District Court in Clinton, Massachusetts required these records in order to secure restraining orders against these individuals. Both individuals were involved with my ex-wife's staged car crash on March 5, 2015; the Petitioner also possessed a photograph of a man running down the street after he had pointed a firearm at him. Judge Campo then stated that if the Petitioner felt he was being harassed in some way, shape or form a Chapter 258 E filing is available to him or a Chapter 209A Complaint is available to any family member. The Petitioner then clarified with the court that he was not being harassed, he was being threatened.

On June 16, 2021, Judge Campo denied the Petitioner's Motion for Reconsideration.

The Petitioner then appealed the decision to the Massachusetts Appeals Court. The Petitioner had made numerous motions to the Court to request a hearing after presenting evidence to the Court that the Petitioner was being continually threatened by these named individuals in the injunctions (including at work over the phone where the Petitioner is a schoolteacher) and the Court never granted the Petitioner a hearing.

The Petitioner then appealed the decision to the Massachusetts Supreme Judicial Court. The Petitioner again had made numerous motions to the Court to request a hearing after presenting evidence to the Court that the Petitioner was being continually threatened by these named individuals in the injunctions (including at work over the phone where the Petitioner is a schoolteacher along with a video being threatened at the Petitioner's gym) and the Court never granted the Petitioner a hearing. The Court didn't even allow a hearing and denied the application for further appellate review on April 13, 2023, just 17 days after the mass shooting in Nashville, Tennessee.

The Petitioner has noted the destruction of public records by the various defendants, the political influence defendants Baker and Healey along with defendant Healey's wife (Gabrielle Wolohojian Associate Justice of the Massachusetts Appeals Court) also other factors to not allow the Petitioner judicial unbiased in all these courts.

The Petitioner noted to the lower Courts that he has proven that there is no doubt that these public records exist and they are not being released for whatever reason. The Petitioner has also proven through the voluminous exhibits presented to the lower Courts that he is being threatened by these individuals involved with his ex-wife's staged car crash and by Charles Koch's agents that he met with twice then Sergeant Bruce O'Rourke from the Massachusetts State Police Detectives Unit in the year of 2015.

3. Massachusetts Federal District, Appeals (First Circuit) and the Supreme Court of The United States

The Petitioner has previously filed Complaints in the United States District Courts in Boston and Worcester, Massachusetts seeking redress against several agencies and representatives of the United States Government as well as private individuals for these threats, intimidation and harassment (see Appendix originally filed). Included in these actions are the Petitioner's various Motions seeking Injunctive Relief for which the Petitioner specifically requested hearings before the Court as well as his demand for a jury trial. At no time did the District Courts (Hillman, J. and Saylor, J.) allow the Petitioner an opportunity to be heard and present his substantive and voluminous evidence before the Courts while seeking injunctive relief nor did the Courts honor his demand for a jury trial. Furthermore, these judges summarily dismissed the accompanying Complaints without seriously entertaining the Petitioner's Motions, granting his request for a jury trial or properly weighing the evidence as outlined in Petitioner's Complaints and as substantiated in his materials submitted in those Courts.

4. The U.S. Court of Appeals Decision

The Judgment of the U.S. Court of Appeals indicated that the Petitioner had "... fail(ed) to provide any developed argumentation or legal authority in support of his position" and alternatively that the lower Court had not abused its discretion.

The Petitioner had filed with the Appeals Court (as well as the District Court) extensive, factual material contained in his Appendix which substantiated his allegations against the defendants. At a minimum, his documentation, when weighed in its best light, supported the need for injunctive relief or alternatively, a hearing where oral argument provided the Petitioner with an opportunity to be heard. The ruling of the Appeals Court, particularly in its finding that the lower Court had not abused its discretion, did lend misplaced credence to the decision of the District Court(s) which had ignored Petitioner's justified plea for injunctive relief, a hearing on the merits and a Jury Trial on the facts of the case.



REASON FOR GRANTING THE WRIT

1. SCOTUS intentionally erred by not granting the Application (22A1020) injunctive relief, which constitutes a violation of constitutional rights. The denial of injunctive relief has resulted in the continued infringement upon the Petitioner's rights. Also, SCOTUS erred by not allowing the Petitioner the opportunity to argue the case considering this was the second time to SCOTUS and the voluminous evidence that the Petitioner has presented and is being physically harmed (supported by various Medical Doctors) by these named individuals and how they have been also threatening the public and denying the Petitioners due process.

2. New Evidence of Threats: New evidence has emerged, revealing threats made against the Petitioner and the Petitioners 14-year-old student, E.F., who attends Bay Path Regional Vocational Technical High School. On June 5, 2023, the named individuals in the injunction filed at SCOTUS on May 22, 2023, threatened E.F. in Vermont. The woman approached E.F. in a sinister way by saying that she was the Petitioners former sister-in-law when she was not the Petitioners former sister-in-law. This evidence demonstrates the potential harm faced by the Petitioner, his students, and the public.

3. Other New Evidence of Threats and Intimidation: The Petitioner started receiving threatening texts and phone calls a few days before the ruling at SCOTUS on June 22, 2023. It is crucial to note that agents of the Department of Justice (DOJ) had knowledge of a favorable ruling in advance, indicating potential misconduct. One of the Petitioners Attorneys private detectives has a whistleblower (source) in the Boston MA, FBI Field Office. Moreover, on June 27, 2023, the named individuals hacked into the Petitioner's Walmart account and engaged in unauthorized activities then sent over 100 harassing emails and signed the Petitioner up for multiple accounts to various agencies. Additionally, on June 29, 2023, one of the named individuals, accompanied by a woman, exhibited threatening behavior towards the Petitioner while driving to school. The Petitioner has the exhibits and a photograph to support these allegations.



LEGAL RATIONALE FOR GRANTING THE WRIT

The Seventh Amendment to the Constitution of the United States was originally designed by James Madison to restrict official or arbitrary power while protecting the individual in the context of litigation against political corruption. The Amendment requires civil jury trials only in the federal courts; it has often been said that it protects the people from tyranny within the judicial system. Consequently, trial by jury has always been integral to our democratic society.

The Petitioner in this case filed his Complaint, a civil common law action, in the Massachusetts Superior Court and the United States District Courts seeking monetary damages as well as injunctive relief. He did so in accordance with the matter of *Parsons v. Bedford, Breedlove and Robeson*, 28 U.S. (3 Pet. 433) (1830), where the U.S. Supreme Court had determined that the term “common law” in the Seventh Amendment meant at the time the common law of England. (It would be decreed approximately one hundred (100) years later that the Amendment was to be interpreted according to the common law of England at the time the Amendment was ratified, that is, in 1791) (*Dimick v. Shied*, 293 U.S. 474 (1935)). Furthermore, the Court found during the same year in *Baltimore & Carolina Line, Inc. v. Redman*, 295 U.S. 654 (1935) that the Seventh Amendment “preserves” the “substance of the right, not mere matters of form or procedure.”

Here, the Petitioner's Complaint contains mixed questions of law and equity (see *Beacon Theaters v. Westover*, 359 U.S. 500 (1959)). The underlying rationale of the Seventh Amendment addresses the historic line which separates the responsibilities of the jury from that of the judge in civil cases. The basic function of judges and juries are made clear in the Amendment: questions of law are within the province of the judge while questions of fact belong with the jury. That is, at the very least, the directive of the Amendment although at times the two have been known to cross over one another.

What is unmistakable, though, is that "Together with the due process clause of the Fifth Amendment, the Seventh Amendment guarantees civil litigants the right to an impartial jury" (*McCoy v. Goldstein*, 652 F.2d 654 (6th Cir.) (2008). (Note: The Petitioner's initial prayer for a Writ of Certiorari along with his Petition for Rehearing of same encompass these two constitutional requisites). His demand for a jury trial specifically included in his Complaint must be preserved and honored in accordance with the Seventh Amendment and the Bill of Rights (see FRCP, Rules 38 & 39).

* * *

The Petitioner's demands for a hearing relative to his claims for injunctive relief were summarily dismissed in the Lower Courts. The Courts' failure to honor claims for a jury trial "fly in the face" of Rule 65 (Injunctive Relief) of the Federal Rules of Civil Procedure (FRCP) as well as the Massachusetts Rules

of Civil Procedure (MRCP). FRCP at Rule 65(a)(2) protect(s) the right to Jury Trial in this circumstance:

“But the Court must preserve any party’s right to a jury trial.”

Similarly, MRCP (b)(2) addresses requests for injunctive relief and more specifically the Petitioner’s right to a jury trial:

“This subdivision (b)(2) shall be so construed and applied as to save to the parties any rights they may have to trial by jury.”

These Rule provisions of both State and Federal Civil Procedure within the Courts incorporate the mandate of the Seventh Amendment. There can be little doubt that those who drafted these Rules were keenly aware of the need to emphasize and highlight the right to a Jury Trial and the Seventh Amendment.



CONCLUSION

There are very few provisions of the United States Constitution which are more sacrosanct than a citizen’s right to a Jury Trial in those instances where the law allows. Over two hundred years of the evolution of our constitutional law, this right has played a key role in distinguishing American jurisprudence from that of virtually the entire world. The Seventh Amendment and all that it entails are not to be taken lightly nor is the historical significance of the right to a Jury Trial to be ignored.

Here, the Petitioner has been effectively stigmatized by his pursuit of justice despite the fact that he has a right to avoid such an intrusion by the actions of the defendants (*Vitek v. Jones*, 445 U.S. 480) (1980). Where governmental activity has caused the stigma to occur, the intrusion is particularly egregious and the need for due process is paramount. As the Court mentioned in *Wisconsin v. Constantineau*, 400 U.S. 433, 437 (1971), "Where a person's good name, reputation, honor or integrity is at stake because of what the government is doing to him, notice and an opportunity to be heard are essential." The Petitioner has been denied his constitutional right to a Jury Trial by the Judicial branch of the American government: it would be a further injustice should the highest Court in the land follow the decisions of the Courts below.

Wherefore, the Court should reconsider the decisions of the Massachusetts Superior, Appeals, Supreme Courts, U.S. Court of Appeals as well as those of the U.S. District Courts in Boston and Worcester, Massachusetts denying the Petitioner his right to a Jury Trial.

Respectfully submitted,

IRVING F. ROUNDS, JR.

Petitioner (Pro Se)

48 N. Sturbridge Road

Apt. B

Charlton, MA 01517

781.504.8974

Email: roundsmechanical5@
protonmail.com

CERTIFICATE OF PETITIONER

I, Irving F. Rounds, Jr., do hereby certify that I present the within Petition for Rehearing for Writ of Certiorari in good faith, not for delay and restricted to the grounds in Rule 44 of the Rules of the Supreme Court of the United States.

Dated: July 20, 2023.

IRVING F. ROUNDS, JR.
Petitioner (Pro Se)
48 N. Sturbridge Road
Apt. B
Charlton, MA 01517
781.504.8974
Email: roundsmechanical5@
protonmail.com