

Supreme Court, U.S.
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No. **25-1113**

In the
Supreme Court of the United States

JAIN-MIECELL ROBERSON,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Third Circuit

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

The Civil Service Reform Act of 1978 (CSRA), 5 U.S.C. § 1101 *et seq.*, provides a comprehensive framework for reviewing adverse personnel actions against federal employees, channeling most claims to the Merit Systems Protection Board (MSPB) with judicial review exclusively in the Court of Appeals for the Federal Circuit. In *Perry v. Merit Systems Protection Board*, 582 U.S. 420 (2017), this Court held that “mixed cases”—those combining CSRA-covered personnel actions with discrimination claims under federal anti-discrimination laws—must be reviewed in district court under 5 U.S.C. § 7703(b)(2). However, this Court has not addressed whether claims alleging constitutional violations (*e.g.*, due process deprivations) or state-law torts intertwined with CSRA-covered actions constitute “mixed cases” warranting district court jurisdiction, or whether such claims are preempted by the CSRA and funneled exclusively to the MSPB and Federal Circuit.

The Questions Presented Are:

1. Whether a federal employee’s claims alleging constitutional due process violations and state-law torts (*e.g.*, negligence and emotional distress under Pennsylvania law) arising from a CSRA-covered personnel action (*e.g.*, detail, transfer, or reassignment) constitute a “mixed case” eligible for district court review under *Perry v. Merit Systems Protection Board*, or whether such claims are precluded from district court jurisdiction by the CSRA’s exclusive remedial scheme.

2. Whether the CSRA precludes district court jurisdiction over constitutional claims challenging the validity of a federal statute or regulation governing

personnel actions, notwithstanding this Court's recognition in *Elgin v. Department of the Treasury*, 567 U.S. 1 (2012), that the CSRA does not bar all constitutional challenges, particularly where the MSPB lacks authority to adjudicate such claims.

LIST OF PROCEEDINGS

U.S. Court of Appeals for the Third Circuit

No. 25-2203

Jain-Miecell Roberson v. United States of America

Final Opinion: December 2, 2025

Rehearing Denial: February 4, 2026

U.S. District Court, Middle District of Pennsylvania

Civil Action No. 1:24-cv-2036

Jain-Miecell Roberson v. United States of America

Final Order: June 16, 2025

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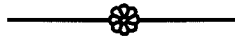
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OPINIONS BELOW

The opinion of the court of appeals for the third circuit (App.1a–8a) is unpublished. The opinion of the district court for the Middle District of Pennsylvania (App.11a–28a) is unpublished.



JURISDICTION

The judgment of the court of appeals for the Third Circuit was entered on December 2, 2025. (App.1a). The Order Denying Petition for Rehearing entered on February 4, 2026. (App.30a). This petition is filed within 90 days of that judgment. Jurisdiction is invoked under 28 U.S.C. § 1254(1).



CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const. amend. V

No person shall be * * * deprived of life, liberty, or property, without due process of law.

5 U.S.C. § 7512

5 U.S.C. § 7512 provides in pertinent part that the CSRA covers actions including

(1) a removal

- (2) a suspension for more than 14 days;
- (3) a reduction in grade;
- (4) a reduction in pay;
- (5) a furlough of 30 days or less;

5 U.S.C. § 7513(d)

(d) An employee against whom an action is taken under this section is entitled to appeal to the Merit Systems Protection Board under section 7701 of this title.

5 U.S.C. § 7701(a)

5 U.S.C. § 7701(a) provides in pertinent part that an employee may submit an appeal to the MSPB from any action appealable under law, rule, or regulation.

5 U.S.C. § 7703(b)(1)

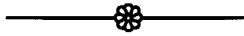
(1) The Board may hear any case appealed to it or may refer the case to an administrative law judge appointed under section 3105 of this title or other employee of the Board designated by the Board to hear such cases, except that in any case involving a removal from the service, the case shall be heard by the Board, an employee experienced in hearing appeals, or an administrative law judge. The Board, administrative law judge, or other employee (as the case may be) shall make a decision after receipt of the written representations of the parties to the appeal and after opportunity for a hearing under subsection (a)(1) of this section. A copy of the decision shall be furnished to each party to the appeal and to the Office of Personnel Management.

5 U.S.C. § 7703(b)(2)

Cases of discrimination subject to the provisions of section 7702 of this title shall be filed under section 717(c) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16(c)), section 15(c) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(c)), and section 16(b) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 216(b)), as applicable. Notwithstanding any other provision of law, any such case filed under any such section must be filed within 30 days after the date the individual filing the case received notice of the judicially reviewable action under such section 7702.

28 U.S.C. § 1346(b)(1)

28 U.S.C. § 1346(b)(1) provides in pertinent part that district courts shall have exclusive jurisdiction over civil actions on claims against the United States for money damages for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment.



STATEMENT OF THE CASE

Petitioner Jain-Miecell Roberson is a former supervisory comptroller at the Naval Supply Systems Command Business Systems Center (NAVSUP), a federal agency under the Department of the Navy. (App.11a) In May 2023, Roberson was detailed, transferred, or reassigned from his position, an adverse personnel action under the CSRA, 5 U.S.C. § 7512. (App.12a) Roberson alleges this action violated due process under the Fifth Amendment, as he was not provided notice, an opportunity to respond, or a neutral decision-maker before the action. (Doc. 1 at 1-2, 5; Doc. 14 at 1, 6.) He further claims negligence and emotional distress under Pennsylvania law (77 Pa. Stat. Ann. §§ 41, 51, 1302) and the Federal Tort Claims Act (FTCA), 28 U.S.C. §§ 1346(b), 2674, asserting 26 instances of negligent conduct by agency officials. (Doc. 1 at 3-5; Doc. 1-1 at 3-26.) Roberson seeks \$3,839,840,000 in damages, including compensatory relief for due process violations and emotional harm. (Doc. 1 at 5.)

Roberson filed an administrative tort claim with the Navy on March 4, 2024, which was denied on March 15, 2024, and denied again on reconsideration on August 27, 2024. (Dr Roberson Final action on Admin Claim J243367.pdf.) He did not pursue MSPB review, instead filing suit in the U.S. District Court for the Middle District of Pennsylvania on November 22, 2024, invoking jurisdiction under 28 U.S.C. §§ 1331, 1346(b)(1), and the CSRA. (Doc. 1.)

The United States moved to dismiss under Fed. R. Civ. P. 12(b)(1) for lack of subject matter jurisdiction,

arguing the CSRA provides the exclusive remedy for federal personnel actions, preempting district court review of constitutional and tort claims. (Doc. 5; Doc. 12.) The District Court (Magistrate Judge Bloom, by consent) granted the motion. (App.11a–28a; 250616-Memorandum Opinion.pdf.) The court held that Roberson’s claims arose from a CSRA-covered action (detail/reassignment), and under *United States v. Fausto*, 484 U.S. 439 (1988), and *Elgin v. Department of the Treasury*, 567 U.S. 1 (2012), such claims must be channeled through the MSPB and Federal Circuit, even if constitutional. (App.18a–20a.) The court rejected Roberson’s “mixed case” argument, distinguishing *Perry v. Merit Systems Protection Board*, 582 U.S. 420 (2017), as limited to statutory discrimination claims. It dismissed FTCA claims as preempted by the CSRA, citing *FDIC v. Meyer*, 510 U.S. 471 (1994). (App.17a–18a.) Judgment was entered June 16, 2025. (App.28a.)

Roberson appealed to the Third Circuit. (Notice of Appeal, 250815-Response Brief Appeal.pdf.) He argued the case was “mixed” due to constitutional and state-law claims, warranting district court review under *Perry* and *Kloeckner v. Solis*, 568 U.S. 41 (2012). (Informal Brief; 250815-Response Brief Appeal.pdf at 5-10.)

The Third Circuit affirmed per curiam. (App.1a–8a; 251202-Docket 14 Opinion for Sustaining Dismissal.pdf.) The court held that the CSRA’s comprehensive scheme precludes district court jurisdiction over constitutional claims challenging personnel actions, citing *Elgin*, 567 U.S. at 15. (App.18a–20a.) It rejected the “mixed case” characterization, noting *Perry* applies only to discrimination claims under specific statutes, not constitutional or state-law torts. The court dismis-

sed FTCA claims as barred by CSRA preemption. (App.17a–21a.) Judgment was entered December 2, 2025. (App.9a–10a.)



REASONS FOR GRANTING THE PETITION

This case presents a recurring question of exceptional importance: whether federal employees alleging constitutional due process violations or state-law torts intertwined with CSRA-covered personnel actions may seek district court review as a “mixed case,” or whether the CSRA funnels all such claims exclusively to the MSPB and Federal Circuit. The Third Circuit’s decision conflicts with this Court’s precedents in *Elgin*, *Kloeckner*, and *Perry*, which preserve district court jurisdiction for certain “mixed” claims and do not bar all constitutional challenges. It also deepens a circuit split on CSRA preemption of constitutional and state-law claims. Certiorari is warranted to resolve these conflicts and protect federal employees’ access to meaningful judicial review.

I. The Decision Below Conflicts with This Court’s Precedents on CSRA Preemption and “Mixed Case” Jurisdiction.

The Third Circuit’s holding that the CSRA precludes district court jurisdiction over Roberson’s due process and tort claims directly conflicts with this Court’s guidance on the CSRA’s scope.

First, the decision misapplies *Elgin v. Department of the Treasury*, 567 U.S. 1 (2012). In *Elgin*, this Court held that the CSRA provides the exclusive avenue for

reviewing most personnel actions, even those raising constitutional challenges, because Congress intended a “comprehensive” scheme. *Id.* at 11-12. However, *Elgin* expressly limited its holding to claims where the MSPB has authority to review the action and grant relief. *Id.* at 21 n.11 (noting the CSRA does not bar claims where the MSPB lacks jurisdiction). Here, Roberson’s claims involve a “detail, transfer, or reassignment” (App.21a–22a), which may not qualify as a major adverse action under 5 U.S.C. § 7512, potentially depriving the MSPB of jurisdiction. *See Department of the Navy v. Egan*, 484 U.S. 518, 530 (1988) (MSPB lacks authority over certain personnel decisions like security clearances). The Third Circuit ignored this, assuming CSRA exclusivity without addressing MSPB jurisdiction. (App.4a–8a.) This conflicts with *Elgin*’s caveat that constitutional claims may proceed in district court if outside MSPB purview. 567 U.S. at 21.

Second, the Third Circuit’s narrow reading of “mixed cases” conflicts with *Perry v. Merit Systems Protection Board*, 582 U.S. 420 (2017), and *Kloeckner v. Solis*, 568 U.S. 41 (2012). In *Perry*, this Court held that “mixed cases”—involving CSRA actions combined with discrimination claims under Title VII or similar statutes—must be reviewed in district court, not the Federal Circuit, to ensure de novo review of discrimination allegations. 582 U.S. at 423-24. *Kloeckner* similarly emphasized that mixed cases go to district court regardless of MSPB procedural dismissals. 568 U.S. at 50. Roberson’s case is “mixed”: it combines a CSRA action (reassignment) with constitutional due process claims (lack of notice/hearing) and state-law torts (negligence/emotional distress). (Doc. 1 at 1-5.) These are akin to discrimination claims in requiring fact-

intensive review beyond MSPB expertise. *See Perry*, 582 U.S. at 431 (district courts better suited for *de novo* fact-finding). The Third Circuit dismissed this analogy, limiting *Perry* to statutory discrimination, but *Perry* turned on the need for holistic review of intertwined claims, not statutory labels. 582 U.S. at 429.

Third, the dismissal of FTCA claims conflicts with *FDIC v. Meyer*, 510 U.S. 471 (1994). In *Meyer*, this Court held that sovereign immunity does not bar constitutional tort claims against agencies if not “cognizable” under the FTCA, as constitutional claims are federal, not state-law based. *Id.* at 477-78. Here, Roberson’s FTCA claims invoke Pennsylvania tort law (77 Pa. Stat. Ann. §§ 41, 51, 1302) for negligence in the re-assignment process. (Doc. 1 at 3.) The Third Circuit deemed them preempted (App.13a), but *Meyer* allows FTCA suits for torts not subsumed by other schemes, especially where constitutional violations underpin them. 510 U.S. at 478.

These conflicts warrant certiorari to clarify CSRA boundaries.

II. There Is a Circuit Split on Whether Constitutional and State-Law Claims Intertwined with CSRA Actions Warrant District Court Review.

The circuits are divided on CSRA preemption of constitutional and state-law claims like Roberson's.

The Third, D.C., and Tenth Circuits broadly apply CSRA exclusivity. The Third Circuit here held constitutional claims must go to the MSPB/Federal Circuit. (App.6a–7a.) The D.C. Circuit in *Weaver v. United States Information Agency*, 87 F.3d 1429 (D.C. Cir. 1996), precluded district court review of First Amendment claims tied to personnel actions. The Tenth Circuit in *Baca v. Department of the Army*, 983 F.3d 1131 (10th Cir. 2020), and *English v. Merit Systems Protection Board, et al.*, Nos. 23-9526 (10th Cir. 2023), dismissed constitutional torts as CSRA-preempted.

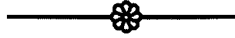
In contrast, other circuits recognize exceptions for “mixed” constitutional claims. The Western District of Pennsylvania in *Manivannan v. Department of Energy*, No. 18-297 (W.D. Pa. 2020), allowed district court review of due process claims outside MSPB authority, aligning with *Elgin*'s limits.

This split affects federal employees' forum choices. Certiorari is needed to resolve it, as in *Perry* (resolving split on mixed-case appeals). 582 U.S. at 422.

III. The Question Presented Is Exceptionally Important, Affecting Thousands of Federal Employees and the Integrity of Due Process Protections.

Over 2 million federal employees are subject to the CSRA. *See Egan*, 484 U.S. at 528. Many face personnel actions implicating due process, yet the Third Circuit's rule denies district court review, funneling claims to the MSPB (limited to administrative remedies) and Federal Circuit (deferring to agencies). This undermines due process, as the MSPB cannot declare statutes unconstitutional. *See Elgin*, 567 U.S. at 10. Roberson's case exemplifies this: his reassignment lacked process, causing harm, yet he lacks a *de novo* forum. (Doc. 1 at 2-5.)

The issue recurs frequently, as seen in *Baca* and *Manivannan*. Granting certiorari ensures uniform protection of constitutional rights.



CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

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