

Supreme Court, U.S.
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No. 25- **1153**

In The
Supreme Court of the United States

IRVING F. ROUNDS, JR.,
Petitioner,

v.

U.S. DEPARTMENT OF JUSTICE; RICHARD CIRUOLO,
AGENT, DEPARTMENT OF JUSTICE; JOHN COUGHLIN,
AGENT, DEPARTMENT OF JUSTICE,
Respondents.

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

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

Whether Petitioner was denied due process under the Fifth Amendment where the lower federal courts:

I. Dismissed Petitioner's sworn claims of governmental retaliation and threats without affording any evidentiary hearing or opportunity to present witnesses, despite factual allegations that could not lawfully be resolved on the written record alone;

II. Denied motions for recusal and reassignment without stating any basis, despite documented institutional connections between the presiding judges and the named federal defendants, creating an appearance of bias too high to be constitutionally tolerable under *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009); and

III. Affirmed dismissal by summary order and denied rehearing without providing any legal reasoning, leaving Petitioner unable to determine whether his constitutional claims were rejected on jurisdictional, procedural, or merits grounds, in violation of the due process principles reaffirmed in *Noem v. Abrego García*, No. 24A949 (2025).

PARTIES TO THE PROCEEDING

Petitioner (Plaintiff-Appellant below):
Irving F. Rounds, Jr.

Respondents (Defendants-Appellees below):
United States Department of Justice Richard Ciruolo,
Agent, United States Department of Justice John
Coughlin, Agent, United States Department of Justice

RELATED CASES

Irving F. Rounds, Jr. v. United States Department of Justice et al., No. 4:21-CV-40117-TSH, United States District Court for the District of Massachusetts, Worcester Division. Judgment entered September 8, 2022.

Irving F. Rounds, Jr. v. United States Department of Justice et al., No. 23- 1789, United States Court of Appeals for the First Circuit. Judgment entered October 16, 2025; rehearing denied December 16, 2025.

Irving F. Rounds, Jr. v. Environmental Protection Agency, No. 1:15-CV- 13541-MLW, United States District Court for the District of Massachusetts. Judgment entered August 22, 2016.

Irving F. Rounds, Jr. v. Environmental Protection Agency et al., No. 4:17- CV-40072-TSH, United States District Court for the District of Massachusetts,

Worcester Division. Judgment entered February 12, 2018.

Irving F. Rounds, Jr. v. Charles Koch et al., No. 4:18-CV-40066-DHH, United States District Court for the District of Massachusetts, Worcester Division. Judgment entered June 22, 2018.

Irving F. Rounds, Jr. v. Charles Koch et al., No. 19-1094, United States Court of Appeals for the First Circuit. Judgment entered February 27, 2020.

Irving F. Rounds, Jr. v. United States Department of Justice et al., No. 19-11388-FDS, United States District Court for the District of Massachusetts. Judgment entered January 30, 2020.

Irving F. Rounds, Jr. v. Charles Koch et al., No. 20-248, Supreme Court of the United States. Certiorari denied November 2, 2020; petition for rehearing denied January 11, 2021.

Irving F. Rounds, Jr. v. Commonwealth of Massachusetts Governor Charlie Baker et al., No. 1984CV03692, Suffolk County Superior Court, Commonwealth of Massachusetts. Judgment entered December 9, 2019. Ultimately appealed to the Supreme Court of the United States in *Irving F. Rounds, Jr., Petitioner v. Maura T. Healey, Governor of Massachusetts, et al.*, No. 22-1109, Supreme Court of the United States.

Irving F. Rounds, Jr., Petitioner v. Maura T. Healey, Governor of Massachusetts, et al., No. 22-1109, Supreme Court of the United States. Petition for writ of certiorari filed May 9, 2023; petition denied June 26, 2023; petition for rehearing filed July 20, 2023; rehearing denied August 21, 2023. Application (22A1020) for injunctive relief submitted to Justice Jackson May 22, 2023; application denied May 24, 2023.

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Irving F. Rounds Jr. respectfully petitions this Court for a writ of certiorari to review the judgment of the United States Court of Appeals for the First Circuit. This Court's jurisdiction is invoked under 28 U.S.C. § 1254(1), and this petition is presented pursuant to Rule 10 of the Rules of this Court.

OPINIONS BELOW

The judgment of the United States Court of Appeals for the First Circuit in Case No. 23-1789, entered October 16, 2025, is reproduced at Appendix A. The order of the Court of Appeals denying petition for panel rehearing and rehearing en banc, entered December 16, 2025, is reproduced at Appendix B. The memorandum of decision and order of the United States District Court for the District of Massachusetts, Worcester Division, in Civil Action No. 4:21-cv-40117-TSH, entered September 8, 2022, is reproduced at Appendix C.

JURISDICTION

The judgment of the United States Court of Appeals for the First Circuit was entered on October 16, 2025. A timely petition for panel rehearing and rehearing en banc was filed on November 21, 2025, and denied on December 16, 2025. The mandate issued on December 24, 2025. This petition is timely filed within 90 days of the December 16, 2025 order denying

rehearing, pursuant to Supreme Court Rule 13.1. This Court's jurisdiction is invoked under 28 U.S.C. § 1254(1).

CONSTITUTIONAL PROVISIONS INVOLVED

Fifth Amendment

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

Seventh Amendment

"In Suits at common law . . . the right of trial by jury shall be preserved . . ."

Fourteenth Amendment

". . . nor shall any State deprive any person of life, liberty, or property, without due process of law . . ."

STATUTES AND RULES

28 U.S.C. § 1254(1)

28 U.S.C. § 455(a)

Fed. R. Civ. P. 60(b)(3)

Sup. Ct. R. 10

Sup. Ct. R. 13

STATEMENT OF THE CASE

This case arises from Petitioner's 1998 whistleblower report to the Environmental Protection Agency's Criminal Investigation Division concerning violations of the Clean Air Act by his former employer, Airtron Heating and Air Conditioning, Inc., then partially owned by Group MAC and the Koch Brothers. After federal officials abandoned promised witness protection and shifted to treating Petitioner as a suspect rather than a protected witness, Petitioner endured more than two decades of documented retaliation, threats, and interference with his employment and reputation. Despite sworn affidavits, corroborating evidence, and repeated requests for injunctive relief, no federal court has ever permitted Petitioner to present witnesses or testimony at an evidentiary hearing.

A. Background of the Whistleblower Report and Subsequent Retaliation

In January 1998, Petitioner was employed by Airtron Heating and Air Conditioning, Inc., in Oldsmar, Florida. After witnessing numerous violations of the Clean Air Act—including illegal venting of refrigerants and consumer fraud—Petitioner reported these violations to Special Agent Daniel Green of the EPA's Criminal Investigation Division in Tampa, Florida. Agent Green personally encouraged Petitioner to come forward as a whistleblower and expressly assured him that he would receive witness protection and complete

immunity.

After Petitioner relied on those assurances and disclosed substantial information regarding Airtron's violations, Agent Green reneged on his promise of protection. Rather than safeguarding a cooperating whistleblower, federal officials abruptly shifted their posture following the Department of Justice's highly publicized scandals during the Whitey Bulger era. Shortly thereafter, federal agencies began treating Petitioner not as a protected witness but as a suspected "environmental terrorist," a false characterization used to justify surveillance, intimidation, and threats of arrest.

This abandonment of promised protection was followed by a coordinated effort between federal agents and Group MAC's private security personnel to fabricate allegations that Petitioner had sabotaged HVAC systems. These allegations were false and designed to undermine Petitioner's credibility as a whistleblower at a time when Group MAC had recently taken its company public and feared financial exposure. This pattern of retaliatory conduct by federal and state actors has persisted for more than two decades and directly relates to the same network of individuals and agencies implicated in the present appeal.

B. District Court Proceedings and Denial of Hearings

Petitioner filed the underlying complaint on

November 22, 2021, in the United States District Court for the District of Massachusetts, Worcester Division, Case No. 4:21-cv-40117-TSH (Hillman, J.), naming the U.S. Department of Justice and Agents Richard Ciruolo and John Coughlin as defendants. The complaint alleged violations of Petitioner's constitutional rights, including retaliation for protected whistleblowing activity, threats to personal safety, and ongoing surveillance and harassment.

Petitioner submitted sworn affidavits, documentary evidence, and multiple motions seeking injunctive relief and requesting an evidentiary hearing.

At no time did the district court permit Petitioner to present witnesses, testify under oath, or introduce evidence through live testimony. Despite Petitioner's documented allegations—including evidence of a March 5, 2015 staged automobile crash that nearly killed Petitioner's former wife, medical records confirming stress-related health conditions, and corroborating statements from third parties—the district court dismissed the complaint on September 8, 2022, without holding any hearing on the factual record.

Petitioner also moved for recusal and reassignment, citing institutional connections between the presiding judge and officials named in related federal proceedings, as well as the appearance of structural bias arising from the overlapping professional relationships between Massachusetts

federal judges and Department of Justice leadership. These motions were denied without explanation.

C. First Circuit Proceedings and Summary Affirmance

Petitioner timely appealed to the United States Court of Appeals for the First Circuit, Case No. 23-1789. The government moved for summary affirmance. On October 16, 2025, a panel of the First Circuit (Barron, C.J., Rikelman and Aframe, JJ.) issued a one-paragraph judgment affirming the district court's dismissal and denial of Petitioner's Rule 60(b)(3) motion. The court stated:

Even if we were to assume that plaintiff's appeal from the order of dismissal was timely, plaintiff has failed to demonstrate any error in the court's decision; likewise, we discern no abuse of discretion in the court's denial of plaintiff's Rule 60(b)(3) motion. The government's motion for summary affirmance is granted and the dismissal of plaintiff's complaint is affirmed. See 1st Cir. R. 27.0(c).

The judgment provided no analysis of Petitioner's constitutional claims, no explanation of the legal standard applied, and no indication whether the court reached the merits of Petitioner's due process arguments or dismissed on other grounds.

D. Petition for Rehearing, Emergency Motion, and Final Denial

On November 21, 2025, Petitioner filed a combined petition for panel rehearing and rehearing en banc, along with an emergency motion for a temporary restraining order, an affidavit documenting new evidence of continuing threats and retaliation, and a motion for leave to exceed the word limit. The petition invoked this Court's recent decision in *Noem v. Abrego García*, No. 24A949 (2025), arguing that the denial of any evidentiary hearing violated the core due process principle that individuals cannot be deprived of liberty based solely on written filings when material facts are in dispute.

On December 16, 2025, the First Circuit denied both the petition for panel rehearing and the petition for rehearing en banc. The order stated:

The petition for rehearing having been denied by the panel of judges who decided the case, and the petition for rehearing en banc having been submitted to the active judges of this court and a majority of the judges not having voted that the case be heard en banc, it is ordered that the petition for rehearing and petition for rehearing en banc be DENIED. Appellant's motion to exceed the word limit is ALLOWED. All other pending motions, to the extent not mooted by the foregoing, are DENIED.

Once again, no reasoning was provided. The mandate issued on December 24, 2025, concluding the proceedings before the First Circuit.

E. Pattern of Institutional Protection Across Multiple Proceedings

The denial of hearings in this case is not an isolated occurrence. Over the past decade, Petitioner has sought relief in five separate federal actions across two district courts in Massachusetts, supported by more than a dozen motions for injunctions and emergency hearings. Not one hearing request has been granted.

These matters have been reviewed by more than forty federal judges, spanning the district courts, the First Circuit, and this Court (twice on prior certiorari petitions). At the state level, Petitioner has likewise pursued injunctive relief naming the Governor, Attorney General, and other officials, generating five hearings reviewed by fourteen state judges.

Throughout these proceedings, every level of the judiciary has declined to permit Petitioner to present live testimony, cross-examine witnesses, or introduce evidence in an adversarial setting. This pattern mirrors what this Court recently condemned in *Noem v. Abrego García*, where the government attempted to foreclose judicial review through procedural barriers rather than confronting the substance of constitutional claims through a fair hearing before a neutral tribunal.

REASONS FOR GRANTING THE WRIT

This petition presents important constitutional questions warranting this Court's review. The lower courts' dismissal of Petitioner's claims without any evidentiary hearing, despite sworn allegations of governmental retaliation that could not lawfully be resolved on the written record alone, raises serious concerns regarding the protection of due process rights under the Fifth Amendment. The refusal to address motions for recusal despite documented institutional connections implicates the appearance-of-bias standard articulated in *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009). And the issuance of summary orders without any statement of reasoning prevents meaningful appellate review and undermines the constitutional guarantee of access to the courts reaffirmed in *Noem v. Abrego García*, No. 24A949 (2025).

Note: The public significance of Petitioner's claims is further demonstrated by more than 475 individuals who have signed a public petition supporting investigation of the underlying allegations. A QR code and hyperlink providing direct access to that petition and supporting documentation are included in the Appendix for the Court's reference.

I. The Denial of Any Evidentiary Hearing Violated the Fifth Amendment's Guarantee of Due Process

This Court has long held that due process

requires more than the opportunity to submit written arguments when material facts are in dispute and liberty interests are at stake. In *Goldberg v. Kelly*, 397 U.S. 254, 269 (1970), the Court explained that "[i]n almost every setting where important decisions turn on questions of fact, due process requires an opportunity to confront and cross-examine adverse witnesses." Similarly, in *Londoner v. City of Denver*, 210 U.S. 373, 386 (1908), the Court declared that "a hearing in its very essence demands that he who is entitled to it shall have the right to support his allegations by argument however brief, and, if need be, by proof, however informal."

Here, Petitioner's allegations go to the heart of governmental accountability. Petitioner alleged—and supported with sworn affidavits—that federal agents abandoned promised witness protection, falsely characterized him as a terrorism suspect, coordinated with private actors to fabricate sabotage allegations, and engaged in ongoing surveillance and harassment that caused documented medical harm. Petitioner identified specific individuals, dates, and incidents, including the March 5, 2015 staged automobile crash. These are not conclusory claims; they are factual allegations requiring testimony and cross-examination to resolve.

The district court never held a hearing. The First Circuit affirmed without addressing whether Petitioner was entitled to one. This case is indistinguishable in principle from *Townsend v. Sain*, 372 U.S. 293, 312 (1963), where this Court held that

an evidentiary hearing is required when "the merits of the factual dispute were not resolved in the state hearing" and "the material facts were not adequately developed." It is also consistent with this Court's recent reaffirmation in *Abrego García* that due process demands "effective relief through facilitation of . . . the opportunity to argue the case in court" and cannot rest on written submissions alone when liberty is at stake.

II. The Denial of Recusal Motions Despite Documented Institutional Connections Created an Appearance of Bias Too High to Be Constitutionally Tolerable

The Fifth Amendment's due process guarantee includes the right to an impartial tribunal. *In re Murchison*, 349 U.S. 133, 136 (1955). This Court has held that recusal is required not only when actual bias is proven, but when "the probability of actual bias on the part of the judge . . . is too high to be constitutionally tolerable." *Withrow v. Larkin*, 421 U.S. 35, 47 (1975); *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 877 (2009).

Here, Petitioner moved for recusal based on the presiding judge's documented professional connections to officials named in Petitioner's related federal filings, including former Special Counsel Robert Mueller, as well as the appearance of structural bias arising from overlapping institutional ties between Massachusetts federal judges and Department of Justice leadership. Petitioner also presented evidence—obtained from a credible law enforcement source through a private

investigator—that communications concerning Petitioner's cases circulated within the Boston FBI Field Office and were understood internally as matters involving DOJ reputation and exposure.

The district court denied these motions without explanation. The First Circuit never addressed them. Under *Caperton*, the failure even to acknowledge the appearance-of-bias issue is itself a constitutional violation. Where federal agencies named as defendants have overlapping institutional ties to the judicial officers presiding over the case, and where internal law enforcement personnel are aware of and discussing the litigation, the appearance of structural bias becomes constitutionally intolerable. This Court's review is warranted to clarify the recusal standard in cases involving institutional defendants and the judiciary's own structural relationships.

III. The Failure to Provide Any Reasoning in the Judgments Below Violated Due Process and Undermined Meaningful Appellate Review

Due process requires not only a hearing, but also a reasoned explanation of the decision. See *Joint Anti-Fascist Refugee Comm'n v. McGrath*, 341 U.S. 123, 136 (1951) (Frankfurter, J., concurring) ("[T]he conclusion must . . . be supportable as a matter of reason."). This Court has repeatedly emphasized that summary dispositions must not become a vehicle for avoiding difficult constitutional questions. *Griffin v. Illinois*, 351 U.S. 12, 20 (1956).

Here, the First Circuit's October 16, 2025 judgment consists of a single paragraph invoking summary affirmance under circuit rule, with no indication whether Petitioner's claims were rejected on timeliness grounds, jurisdictional grounds, procedural grounds, or on the merits. The December 16, 2025 order denying rehearing is equally opaque: it states only that the panel denied rehearing and that a majority of active judges did not vote for en banc review.

Petitioner is left unable to determine what legal standard was applied, what facts were considered material, or whether his constitutional arguments were ever addressed.

This Court recently confronted a similar pattern of evasion in *Abrego García*, where the government sought to foreclose judicial review through procedural barriers. The Court held that the Constitution requires "effective relief" and cannot tolerate governmental action that leaves individuals unable to obtain a meaningful forum for their claims. The same principle applies here: a judiciary that refuses to explain its decisions has effectively closed the courthouse door.

IV. This Case Reflects a Broader Pattern of Institutional Protection That Warrants This Court's Attention

Petitioner respectfully submits that the facts of this case implicate concerns larger than the disposition of a single appeal. Massachusetts has experienced

multiple large-scale institutional crises in recent years—including the Whitey Bulger corruption scandal, the Dookhan and Farak drug-lab collapses, and recent high-profile cases involving allegations of law enforcement misconduct and cover-ups. These crises have demonstrated how overlapping institutional relationships can create structural barriers to accountability.

Petitioner's concerns about systemic dysfunction are not isolated. A long-serving federal judge in Massachusetts recently resigned from the bench and publicly stated that "silence, for me, is now intolerable," citing deep concerns about erosion of the rule of law and misuse of governmental authority. According to published interviews and reporting, the judge described institutional failures that have eroded public trust and placed the judiciary in an untenable position. While Petitioner does not allege misconduct by any particular judge, the pattern of denials across multiple courts, multiple judges, and multiple proceedings—without a single evidentiary hearing permitted over more than a decade—suggests a systemic problem requiring this Court's attention.

The public has taken notice. More than 475 individuals have signed a public petition calling for investigation of the matters Petitioner has raised. The petition and supporting documentation are included in the Appendix. This case presents an opportunity for the Court to reaffirm that the appearance of institutional bias—particularly where federal defendants and federal judges share overlapping

professional networks—is constitutionally intolerable, and that the denial of evidentiary hearings in cases involving credible allegations of governmental retaliation violates the bedrock principle that due process requires more than paper submissions.

V. The Dismissal on the Papers Raises Serious Concerns Regarding Erosion of the Seventh Amendment Right to Trial by Jury

While this case was dismissed at the Rule 12 and Rule 60(b) stages before reaching trial, the manner of dismissal raises broader concerns about the erosion of the Seventh Amendment guarantee. When factual disputes material to constitutional claims are resolved against a plaintiff without any opportunity for jury trial—or even an evidentiary hearing before a judge—the practical effect is the extinguishment of the jury right before it can ever vest. This Court has recognized that dismissal procedures must not be used to circumvent the Seventh Amendment's protection. *Duncan v. Louisiana*, 391 U.S. 145, 157 (1968).

Petitioner does not contend that he had a vested jury-trial right at the motion-to-dismiss stage. Rather, Petitioner submits that the pattern of dismissing sworn allegations involving disputed material facts—particularly allegations of governmental misconduct and retaliation—without permitting any factual development threatens to render the Seventh Amendment a nullity in cases where the government is the defendant. This concern is especially acute where, as here, multiple federal courts over more than

a decade have declined to permit even a single hearing, effectively foreclosing any possibility that a jury could ever be convened.

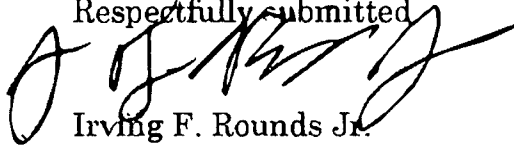
CONCLUSION

Petitioner has been effectively denied access to the courts through a pattern of summary dismissals spanning multiple federal actions, multiple courts, and more than a decade of litigation. Despite sworn allegations of governmental retaliation, threats to personal safety, and documented medical harm, no federal court has ever permitted Petitioner to present witnesses, testify under oath, or introduce evidence through live testimony. The lower courts' refusal to address motions for recusal despite documented institutional connections, combined with their failure to provide any reasoning for the judgments entered, violates the core due process principles reaffirmed by this Court in *Noem v. Abrego García* and *Caperton v. A.T. Massey Coal Co.*

As this Court stated 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." Petitioner has been stigmatized by the very pursuit of justice, branded as a suspect when he was in fact a whistleblower, and denied the most basic procedural safeguard: the chance to be heard before a neutral tribunal.

The Court should grant certiorari to clarify that due process requires evidentiary hearings when material facts are in dispute, that the appearance of institutional bias is constitutionally intolerable, and that summary affirmances without reasoning do not satisfy the constitutional requirement of meaningful appellate review. For the foregoing reasons, this Court should reverse the judgment of the First Circuit and remand for proceedings consistent with the Fifth Amendment's guarantee of due process.

Respectfully submitted



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Dated: March 12, 2026

