

25-5298
No. _____

FILED
MAY 29 2025
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

Michael Keith Mallonee

(Your Name) — Pro Se PETITIONER

vs.

Department of Interior — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

US Court of Appeal for the Federal Circuit

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

CORRECTED PETITION FOR WRIT OF CERTIORARI

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QUESTION(S) PRESENTED

1. Whether a federal employee's speech—reporting unsafe school conditions, unauthorized personnel practices, and retaliation to oversight bodies—is protected under the First Amendment, and whether the agency's retaliation and judicial suppression of that speech violated constitutional protections.

2. Whether a federal agency's misclassification of employment status in violation of 62 BIAM § 11.25 and misuse of the probationary framework—used to justify termination and deny procedural rights—violated Petitioner's Fifth Amendment due process rights.

3. Whether an Administrative Judge's suppression of material evidence, manipulation of testimony, and disregard of agency regulations constitutes judicial misconduct and fraud on the tribunal requiring vacatur of the proceedings under *Hazel-Atlas* and *Brady v. Maryland*.

4. Whether the Federal Circuit's summary affirmance without opinion, in a case raising serious constitutional, regulatory, and whistleblower claims, contravened its duty of meaningful review under *Universal Camera Corp. v. NLRB*, thereby enabling systemic due process violations.

LIST OF PARTIES

☒ All parties appear in the caption of the case on the cover page.

☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

- *Mallonee v. Department of the Interior*, Merit Systems Protection Board, Initial Decision issued June 6, 2017.
- *Mallonee v. Department of the Interior*, Merit Systems Protection Board, Final Order issued May 20, 2024.
- *Mallonee v. Department of the Interior*, United States Court of Appeals for the Federal Circuit, Judgment entered March 10, 2025.

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix to the petition and is

☒ reported at *Mallonee v. Dept. of the Interior*, No. 2024-2155 (Fed. Cir. Mar. 10, 2025) (nonprecedential) ; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the court appears at Appendix to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was March 10, 2025.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☒ An extension of time to file the petition for a writ of certiorari was granted to and including 8/05/25 (date) on 6/06/25 (date) (See Appendix D) in Application No. _____ A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. _____ A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

5 U.S.C. § 2301 — Establishes merit system principles, including fair and equitable treatment of federal employees.

5 U.S.C. § 2302 — Prohibits personnel practices that violate merit system principles, including retaliation against whistleblowers.

28 U.S.C. § 1254(1) — Grants the Supreme Court jurisdiction to review cases from the United States Courts of Appeals by writ of certiorari.

U.S. Constitution, Amendment V — Ensures due process of law, safeguarding individuals from arbitrary denial of life, liberty, or property by the government.

SCOTUS Rule 10.....

SCOTUS Rule 39.....

STATEMENT OF THE CASE

Petitioner was hired as an Assistant Principal at CEBS on October 5, 2011. On his very first day of employment, the Bureau of Indian Education improperly assigned one-third of his official duties to Jennifer Bowman, an individual lacking the required qualifications and certifications for an administrative role. This unauthorized delegation of responsibilities violated merit system principles and constituted a prohibited personnel practice under 5 U.S.C. § 2302(b), undermining both the integrity of Petitioner's position and the federal hiring process.

Moreover, under 62 *BLAM* § 11.25(B), educators hired on or after October 1 are not classified as probationary employees for the remainder of that contract year. As Petitioner was hired on October 5, 2011, his probationary period was not to begin until the following school year.

Accordingly, Petitioner should have been afforded the same procedural protections as a non-probationary employee during the 2011–2012 school year. The agency's misclassification of Petitioner as a probationary employee, and Roth's reliance on this erroneous status, directly violated agency regulations and deprived Petitioner of critical employment protections, further exemplifying the pattern of misconduct and procedural manipulation at issue in this case.

In addition to pursuing formal legal channels, Petitioner proactively contacted the United States Department of Justice, specifically DOJ counsel, to request a federal investigation into systemic violations occurring within the Bureau of Indian Education. Petitioner submitted new evidence—including deposition transcripts and verified medical records—while raising significant concerns about improper hiring practices, data manipulation, and retaliatory conduct. Despite these efforts, no action was taken further exemplifying the institutional reluctance to confront prohibited personnel practices and reinforcing Petitioner's role as a protected whistleblower acting in the public interest. Petitioner immediately reported violations of federal law, including the unlawful

placement of unqualified personnel such as Jennifer Bowman in administrative positions without proper certification, directly violating *62 BLAM § 11.25*. Eastman, Bowman's supervisor, retaliated against Petitioner by fabricating misconduct allegations, including claiming she had to "lock herself in her office" a statement contradicted by evidence.

Eastman further undermined Petitioner's medical leave by asserting his doctors falsified records. Despite presenting verified medical documents, Petitioner's evidence was dismissed. Petitioner was wrongfully placed on AWOL status—a designation later rescinded by NBC Customer Support due to lack of justification. Nevertheless, the agency continued using this rescinded AWOL to justify termination.

Administrative Judge Evan Roth presided over Petitioner's IRA hearing with blatant bias. Roth repeatedly blocked testimony, refused to allow Petitioner to explain or clarify key facts, and made prejudicial statements, including:

"If you want to convince me... you need to do it in a linear fashion..." yet immediately prevented Petitioner from providing such context

"You're thinking of disability as another arrow in your quiver, but it actually is disproving your case..."

Roth labeled Petitioner's testimony "vague, unconvincing, and improbable" twice in his Initial Decision despite personally restricting the presentation of evidence.

Roth distorted the contents of the CRC Review, rewriting its findings regarding Petitioner's employment situation while simultaneously dismissing the report as hearsay. This manipulation of the CRC Review and suppression of the Inspector General's Report—both of which were filed with Petitioner's case—constitutes deliberate suppression of material evidence.

Jennifer Bowman's deposition, critical to proving systemic misconduct and the agency's misuse of hiring practices, was withheld by agency counsel. The agency further mischaracterized Petitioner's inclusion of the IG Report and CRC Review in his record, despite these being properly filed.

Post-termination, Eric North—a BIE official—submitted a declaration used by the agency to justify not hiring Petitioner for future positions. North's declaration, when examined, actually confirms systemic prohibited personnel practices and aligns with findings in the IG Report. Yet Roth and the agency manipulated North's statement to support their narrative.

Further compounding the misconduct, Roth misused Petitioner's documented medical condition—an acknowledged stroke—by characterizing it as a tool Petitioner used to evade accountability, despite verified medical records and documentation from Emory University confirming Petitioner's condition. Roth dismissed this legitimate health issue as a mere litigation tactic and used it against Petitioner in credibility assessments

Similarly, Roth disregarded the procedural irregularity of the AWOL designation, even after NBC Customer Support rescinded the AWOL status due to its lack of justification. Rather than acknowledging this correction, Roth treated the rescinded AWOL as a valid basis for adverse action and incorporated it into his credibility findings against Petitioner.

The MSPB upheld Roth's decision without addressing this overwhelming evidence of due process violations, judicial misconduct, and systemic abuse. The Federal Circuit denied review without opinion, failing its obligation of meaningful appellate review.

REASONS FOR GRANTING THE PETITION

I. The Federal Circuit's Decision Conflicts with Whistleblower Protection Laws.

The Whistleblower Protection Act and 5 *U.S.C.* § 2302 protect federal employees against retaliation for reporting violations of law, gross mismanagement, abuse of authority, and threats to public safety. The decisions below undermine these protections by endorsing retaliatory actions and misapplying the knowledge/timing test, directly contradicting Congressional intent and Supreme Court precedent.

Petitioner disclosed violations including data manipulation at CEBS, misuse of authority by unqualified personnel, and systemic procedural violations. These disclosures triggered retaliation from Eastman and others, culminating in fabricated allegations and manipulated personnel actions designed to suppress whistleblowing. Roth ignored this context and instead punished Petitioner for raising protected concerns, an action inconsistent with whistleblower protections.

II. Judicial Misconduct, Evidence Suppression, and Fraud on the Tribunal Require Review.

Judicial misconduct in this case meets the standard of fraud on the tribunal set by *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 *U.S.* 238 (1944). The suppression of evidence, endorsement of fabricated testimony, manipulation of procedures, and use of procedural traps constitute serious judicial misconduct demanding this Court's attention.

Among the most egregious of Roth's actions was his employment of procedural traps designed to deprive Petitioner of a fair opportunity to present testimony. Despite instructing Petitioner to testify in a "linear fashion," Roth repeatedly interrupted or restricted Petitioner's explanations. Roth later characterized the restricted testimony as "vague" or "unconvincing," creating a no-win scenario for Petitioner. This deliberate manipulation of procedural expectations fits squarely

within the doctrine of procedural traps condemned by this Court in *Withrow v. Larkin*, 421 U.S. 35 (1975), and violates the due process standards articulated in *Goldberg v. Kelly*, 397 U.S. 254 (1970), and *Mathews v. Eldridge*, 424 U.S. 319 (1976). Such judicial maneuvering constitutes both a denial of due process and fraud on the tribunal.

The CRC Report and the Inspector General's Report, critical to demonstrating systemic prohibited personnel practices and retaliation, were submitted into the record in their entirety prior to the Initial Decision. As shown in Tabs 130 through 135, these documents were properly certified, verified, and filed with the Merit Systems Protection Board. Despite this, the Administrative Judge either ignored or mischaracterized these submissions, further enabling the agency's retaliatory conduct.

Notably, the Administrative Judge labeled the CRC Review as hearsay while simultaneously relying on portions of it to support the agency's narrative, including defending the actions of Eastman. The CRC Review, however, was ordered and commissioned by the BIE Director, making its findings an official agency record entitled to evidentiary weight. The CRC directly attributed the hostile work environment and workplace breakdown to Eastman's leadership failures and Bowman's improper placement, not to Petitioner. Furthermore, official records confirmed by the Tribal Council and School Board highlighted Eastman's misconduct, yet these findings were disregarded by the Administrative Judge.

The Administrative Judge also misapplied the knowledge/timing (K/T) test, using it as a blanket justification to bypass substantive prohibited personnel practice violations rather than as a legitimate legal standard. This misuse of the K/T test effectively shielded the agency's conduct from scrutiny and deprived Petitioner of a fair evaluation of his claims.

Additionally, Jennifer Bowman's deposition revealed critical facts undermining the agency's narrative, including her admission of lacking proper qualifications and the absence of firsthand knowledge of Petitioner's alleged misconduct. Despite this, agency counsel did not call Bowman as a witness at the IRA hearing, likely because her testimony contradicted their arguments. Eastman's own deposition further discredited the agency's case, acknowledging her misuse of authority and involvement in administrative decisions beyond her scope.

Moreover, the Administrative Judge deliberately misapplied agency regulations regarding professional certification and placement of personnel. Roth erroneously asserted that the Bureau of Indian Education was exempt from South Dakota's certification requirements, directly contradicting 62 *BLAM* § 11.25, which mandates adherence to both federal and state certification standards for educational positions. This deliberate misinterpretation allowed Roth to justify the unlawful assignment of one-third of Petitioner's duties to Jennifer Bowman, an unqualified individual, thereby misleading the tribunal and evading scrutiny of the agency's clear violation of federal hiring regulations. Such a deliberate action by an adjudicator constitutes fraud on the tribunal and underscores the necessity of this Court's intervention.

Equally troubling, Roth disregarded the Inspector General's Report, a document that corroborated Petitioner's disclosures and confirmed systemic misconduct within the agency. Instead, Roth relied on the declaration of Eric North—a declaration that, when properly read in conjunction with the IG Report, actually supports Petitioner's position and exposes ongoing prohibited personnel practices. Roth's selective use of North's declaration to justify post-termination adverse actions against Petitioner constitutes deliberate distortion of the record, reinforcing the pattern of judicial misconduct and fraud on the tribunal in this case.

Further, Roth ignored documented evidence in Tabs 81 and 88 demonstrating that numerous BIE positions Petitioner applied for were canceled or altered with minor wording changes—exactly the type of prohibited personnel manipulation identified in the Inspector General’s Report. These hiring manipulations mirror the misconduct described by Eric North in his declaration and confirmed by the IG Report. Roth’s failure to reconcile these facts, coupled with his acceptance of the agency’s narrative, highlights not just one, but two separate instances where Roth deliberately distorted the record: first, by suppressing the IG Report’s findings; second, by ignoring documentary evidence of hiring practice manipulation. These compounded infractions underscore Roth’s pattern of judicial misconduct and reinforce the necessity for this Court’s intervention.

Moreover, the very evidence submitted by the agency to justify its actions in this case irreparably undermines its own legal position. Documents from Tabs 12, 81, and 88—including job announcements, declarations, organizational charts, and internal communications—demonstrate that unqualified personnel were assigned to roles requiring state certification, in direct violation of the 62 BIAM, OPM regulations, and federal merit hiring laws. These same documents show that job postings were cancelled, manipulated, or rerouted under HR direction to facilitate improper appointments. Far from supporting the agency’s defense, these records validate Petitioner’s protected disclosures concerning unsafe school conditions and unlawful personnel practices. The agency’s own submissions thus corroborate a pattern of systemic Prohibited Personnel Practices (PPPs), proving that the asserted grounds for Petitioner’s termination were pretextual, retaliatory, and legally insupportable.

This pattern of suppressing exculpatory evidence, including critical documents and

deposition testimony, is akin to a Brady-type due process violation¹. Just as in *United States v. Bagley*, 473 U.S. 667 (1985), where suppression of material evidence favorable to the defense constituted a violation of due process, the agency and the Administrative Judge engaged in conduct that effectively denied Petitioner a fair hearing and an opportunity to present material evidence.

This misconduct is compounded by the agency's actions—introducing attorneys without formal notices of appearance and benefiting from procedural anomalies during the seven-year delay before the Final Order. These actions collectively amount to fraud on the tribunal, which, under *Hazel-Atlas*, vacates every proceeding it touches. This pattern of judicial and agency misconduct necessitates this Court's intervention to uphold the integrity of the judicial process and prevent abuse of power by administrative agencies and adjudicators.

III. The Federal Circuit Abdicated Its Duty of Meaningful Review.

Pursuant to *Universal Camera Corp. v. NLRB*, 340 U.S. 474 (1954), appellate courts are obligated to evaluate the full record. The Federal Circuit's summary affirmance failed this duty, allowing procedural and substantive violations to persist unchecked.

Despite the extensive procedural irregularities, judicial misconduct, and constitutional violations meticulously documented in the record, the Federal

¹ The principles established in *Brady v. Maryland*, 373 U.S. 83 (1963), though arising in the criminal context, have informed broader constitutional doctrines regarding the government's obligation to disclose material evidence. This Court recognized in *United States v. Bagley*, 473 U.S. 667 (1985), that the suppression of exculpatory evidence undermines the fairness of any adjudicative proceeding, rendering such conduct incompatible with due process. The parallels to this administrative case highlight the gravity of the agency's and Administrative Judge's actions.

Circuit summarily affirmed the MSPB's Final Order without issuing a written opinion or engaging in substantive analysis. This abdication of its review responsibilities constitutes a direct violation of its duty under *Universal Camera* to meaningfully review the entire administrative record.

The absence of a reasoned decision suggests the Federal Circuit did not consider the gravity of the due process violations, the suppression of evidence, or the credible allegations of fraud on the tribunal. When a case presents serious constitutional issues and documented misconduct, as this case does, appellate courts are required to provide a meaningful and independent review of the lower tribunal's actions. By failing to do so, the Federal Circuit effectively rubber-stamped the MSPB's flawed decision, perpetuating the procedural and substantive injustices inflicted upon Petitioner.

Moreover, the Federal Circuit signaled a preference against holding oral argument, suggesting instead that the case be resolved on written submissions alone. While courts have discretion in this area, such a strong suggestion, especially in a case alleging systemic procedural violations, judicial misconduct, and constitutional claims, raises significant due process concerns. This practice risks converting appellate review into a perfunctory exercise, rather than the meaningful judicial scrutiny required under *Universal Camera Corp. v. NLRB*, 340 U.S. 474 (1954) and *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004). Given the gravity of the issues at stake—including whistleblower protections, due process violations, and fraud on the tribunal—the denial of meaningful opportunity for oral argument or thorough review further underscores the systemic failure of oversight in this matter. Such judicial abdication risks setting a precedent whereby appellate courts neglect their fundamental obligation to safeguard due process and enforce accountability within

administrative adjudications— an outcome this Court must address.

IV. The MSPB's Seven-Year Delay and Introduction of Unauthorized Attorneys Demonstrate Systemic Breakdown.

The nearly seven-year delay from the Initial Decision to the Final Order violates due process. Delay of this magnitude, coupled with the late entry of Kevin Mack and Rachel Wieghaus without notices of appearance, suggests systemic administrative failure and raises serious questions of propriety.

This delay compounded prejudice against Petitioner, eroded the integrity of evidence, and facilitated procedural manipulation, mirroring due process violations condemned by this Court in *Mathews v. Eldridge*, 424 U.S. 319 (1976).

V. Prohibited Personnel Practices Nullify Probationary Classifications and Moot the Knowledge/Timing Test

Even assuming *arguendo* that Petitioner were classified as a probationary employee—a classification refuted by the governing regulation, 62 BIAM § 11.25, and the signed contract renewal—the legal implications of a **Prohibited Personnel Practice (PPP)** override such status. Under 5 U.S.C. § 2302(b), federal employees are protected from adverse personnel actions taken for whistleblowing, regardless of their probationary or permanent status. Courts have consistently held that PPP violations render otherwise valid termination procedures **legally void**. See *Herman v. DOJ*, 193 F.3d 1375, 1381 (Fed. Cir. 1999) (“a personnel action motivated by a prohibited reason may not be sustained, even if the agency could have taken the same action for a permissible reason”).

Furthermore, the **Merit Systems Protection Board** has affirmed that PPPs constitute legal

violations, not mere procedural defects, and therefore nullify any subsequent justification offered by the agency, including “timing” arguments. See *Wills v. VA*, 120 M.S.P.R. 469, ¶ 16 (2013) (holding that where a PPP occurs, “the Board is not permitted to ignore it on procedural grounds”).

Administrative Judge Roth’s reliance on the “Knowledge/Timing Test” to sidestep the PPP was not only factually incorrect, but also legally impermissible. The **OSC and the courts have repeatedly rejected** the notion that procedural frameworks can override statutory rights under § 2302. As such, the agency’s actions, initiated in direct violation of PPP law and federal hiring regulations, **moot any post hoc rationalization**, including arguments grounded in probationary status or temporal proximity.

VI. Legal Authorities Supporting Certiorari.

This Court has consistently recognized that fraud on the tribunal and judicial misconduct necessitates correction. The doctrines established in *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944), *Chambers v. NASCO, Inc.*, 501 U.S. 32 (1991), and *Universal Camera Corp. v. NLRB*, 340 U.S. 474 (1951), support review in this case. Additionally, statutory protections under 5 U.S.C. §§ 2301 and 2302 underscore the systemic importance of addressing prohibited personnel practices and preserving judicial integrity in federal employment matters.

This case also implicates critical due process and merit system principles through the agency’s misapplication of probationary status rules. Under *Mathews v. Eldridge*, 424 U.S. 319 (1976), and *Goldberg v. Kelly*, 397 U.S. 254 (1970), procedural protections must be sufficient to prevent erroneous deprivation of rights. The agency’s misclassification of Petitioner as a probationary employee, despite regulations affording him non-probationary protections, directly violated these constitutional safeguards.

Furthermore, the agency's systemic abuse of hiring practices and the suppression of exculpatory evidence contravene the standards set in *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004), which demands meaningful opportunity to contest government action. The agency's conduct, compounded by Roth's judicial misconduct, warrants review under these due process precedents.

The Federal Circuit's failure to engage in meaningful review, in light of *Universal Camera*, further demonstrates the need for this Court's intervention to correct significant judicial and administrative abuses that risk undermining the rule of law in federal employment cases.

This Court has repeatedly affirmed that judicial misconduct, procedural bias, and systemic delays implicate constitutional due process. In *Withrow v. Larkin*, 421 U.S. 35 (1975), and *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), the Court recognized that bias—actual or apparent—undermines the integrity of adjudication. Similarly, in *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004), and *Goldberg v. Kelly*, 397 U.S. 254 (1970), this Court held that due process demands the opportunity to present evidence and contest adverse action in a fair tribunal. Furthermore, *Mathews v. Eldridge*, 424 U.S. 319 (1976), underscores the need to assess procedural adequacy, particularly where systemic delays and irregularities risk unjust deprivation of rights.

The First Amendment's protections against retaliation for speaking on matters of public concern are also well-established. In *Lane v. Franks*, 573 U.S. 228 (2014), this Court held that sworn testimony by a public employee outside the scope of ordinary job duties constitutes protected speech. In *Garcetti v. Ceballos*, 547 U.S. 410 (2006), and *Pickering v. Board of Education*, 391 U.S. 563 (1968), the Court recognized that public employees retain First Amendment rights when speaking as citizens on matters of public concern. Petitioner's disclosures to OSHA, the Office of Inspector General, and other oversight bodies, as well as his protected testimony, fall squarely within this scope. The retaliatory actions taken against Petitioner by the agency and the procedural suppression by the Administrative Judge thus raise significant First Amendment concerns warranting this Court's review.

VII. Administrative Judge Roth Suppressed Statutory Violations and Falsely Portrayed the Record to Dismiss Prohibited Personnel Practice Claims

In Footnote 12 of his Initial Decision, Administrative Judge Evan Roth acknowledges that the petitioner raised violations under 5 U.S.C. § 2302, including: "the agency engaged in an 'illegal split of the position with an unqualified female,' and that the agency 'illegally circumvented hiring regulations and created a new position,' citing 5 U.S.C. § 2302." Yet the judge summarily dismissed these claims as "difficult to follow," claiming:

"he has not alleged facts that would support a claim of a prohibited personnel practice as defined by that statute." This assertion is both legally and factually false. The record contains numerous exhibits (e.g., Tabs 81, 88, and 167) showing violations of: - § 2302(b)(6) Granting unauthorized advantage to a non-certified individual in violation of 62 BIAM § 11.25; - § 2302(b)(8) Retaliation for whistleblowing to CRC and IG; § 2302(b)(9) Retaliation for asserting legal rights.

Judge Roth's statement is not merely a judicial error it is a deliberate suppression of controlling law and an evasion of statutory obligations. His refusal to analyze or apply § 2302 constitutes judicial misconduct and ultra vires behavior. It infected the record and tainted every tribunal that followed including the Final Order and the Federal Circuit panel's opinion, both of which echoed Roth's mischaracterization.

Under *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944) and

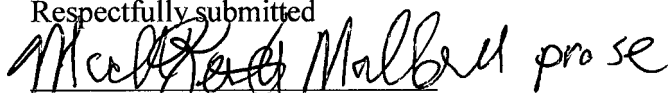
Universal Camera Corp. v. NLRB, 340 U.S. 474 (1951), this Court has condemned such practices. The Administrative Judge's refusal to engage with binding statutory law, while pretending it was never properly raised, is a fraud on the court that warrants reversal and review.

CONCLUSION

For the foregoing reasons, this Court should grant the petition for a writ of certiorari. The systemic violations of due process, judicial misconduct, prolonged adjudicative delays, misuse of personnel practices, and the abdication of meaningful appellate review presented here warrant this Court's intervention.

Only through certiorari can the integrity of federal employment protections, whistleblower safeguards, and constitutional due process be preserved. The issues raised are not confined to Petitioner alone but reflect broader systemic concerns that threaten the fairness and accountability of federal administrative proceedings nationwide.

Respectfully submitted

 pro se

Michael Keith Mallonee Pro Se

Date: August 2, 2015