

No. 25-5298

In the Supreme Court of the United  
States

**MICHAEL MALLONEE,**

Petitioner,

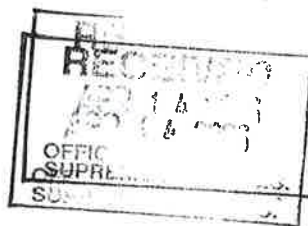
v.

**DEPARTMENT OF THE  
INTERIOR, Respondent.**

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

**PETITION FOR REHEARING**

Michael Mallonee  
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## PETITION FOR REHEARING

Certiorari Denied February 23, 2026.

Pursuant to Rule 44.2, petitioner respectfully seeks rehearing of this Court's order denying certiorari entered on February 23, 2026. This petition is limited to one substantial ground not previously presented and is submitted in good faith and not for delay.

### GROUND NOT PREVIOUSLY PRESENTED

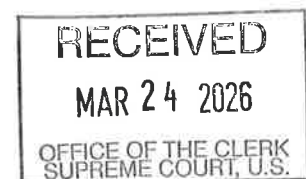
The omitted ground is this: the decision below treated January 11, 2012, as the dispositive endpoint of the causation analysis even though the record did not permit January 11 to be treated as a neutral, stand-alone performance event.

This omitted ground was not separately presented in the cert petition. The cert petition challenged the judgment below more broadly, but it did not separately present the legal consequence of the agency's later chronology: that January 11 could not properly be used as an independent causal baseline.

First, the record reflected contemporaneous institutional conflict that materially bore on Eastman's authority, undercutting any treatment of January 11 as an independent management event.

Second, the agency's own chronology showed that removal was already being reinforced while the agency simultaneously relied on the January 23, 2012 mid-year evaluation as if it were part of a genuine performance-management process. That sequence supports the omitted ground: the later appraisal process served to reinforce an existing removal course rather than to determine whether removal should occur.

Third, the later medical-leave sequence further undercut the



use of January 11 as a dispositive benchmark. Eastman later placed petitioner in AWOL status despite the same medical documentation previously provided to her, but the NBC Customer Support Center later corrected the record and removed the AWOL designation after petitioner submitted the email records and supporting medical documentation, undercutting any claim that the AWOL action was neutral or reliable. That later sequence confirmed that January 11 could not fairly be treated as a neutral event ending the causation inquiry.

This omitted ground is substantial because the judgment below depended on treating January 11 as dispositive. Once January 11 is understood as part of a later-confirmed non-neutral process rather than as a neutral stand-alone event, the basis for treating January 11 as dispositive materially changes.

### CONCLUSION

For these reasons, petitioner respectfully requests that the Court grant rehearing, vacate the order denying certiorari, and reconsider the petition in light of this substantial ground not previously presented.

Respectfully submitted,



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Date:

3/18/2026

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In the Supreme Court of the United States

**MICHAEL MALLONEE,**

Petitioner,

v.

**DEPARTMENT OF THE INTERIOR,**

Respondent.

**RULE 44.2 CERTIFICATE**

I certify that this Petition for Rehearing is restricted to the grounds specified in Rule 44.2, namely other substantial grounds not previously presented, and that it is presented in good faith and not for delay.



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Date:

3/18/2026