No. 25-6365

March 4, 2026

IN THE SUPREME COURT OF THE UNITED STATES

TIMOTHY R. PROVO,
Petitioner,

v.

GEOFFREY W. TENNEY, et al.,
Respondents.

PETITION FOR REHEARING
(Rule 44.2)
(In Forma Pauperis)

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This petition is submitted under Rule 44.2 on two grounds: (1) intervening circumstances of substantial or controlling effect since the certiorari petition, and (2) new grounds concerning the consequences of allowing a federal circuit and a state judiciary to treat binding precedent, the Supremacy Clause, and the Americans with Disabilities Act (ADA) as optional. Petitioner cites the authorities referenced below solely to show why the intervening developments described are substantial under Rule 44.2, not to relitigate the merits of certiorari. Petitioner does not reargue certiorari; he relies on the existing record and identifies only developments warranting rehearing under Rule 44.2.

I. PROCEDURAL BACKGROUND

Petitioner is a disabled pro se litigant with a documented traumatic brain injury (TBI) who has sought a forum that will apply jurisdictional rules, recusal doctrine, and Title II of the ADA to his Minnesota family-court case. He has alleged that Judge Geoffrey Tenney, Chief Judge Strand, a child-support magistrate, and county and state officials enforced void orders—including a fraudulent medical-support order—in violation of Minnesota law and this Court's recusal principles while denying or obstructing ADA accommodations and access to the transcripts needed to challenge those orders.

Petitioner filed a federal civil-rights action under 42 U.S.C. § 1983, Title II of the ADA, and § 504 of the Rehabilitation Act. The District Court dismissed his complaint. **The Eighth Circuit affirmed.**

On October 8, 2025, Petitioner filed a petition for a writ of certiorari presenting three core questions: (1) whether state courts may continue to exercise jurisdiction after disqualification is required by state law and this Court's recusal decisions; (2) whether systemic ADA violations in

court access, transcripts, and communication are actionable under Title II and § 504; and (3) whether disabled pro se litigants have any meaningful federal remedy when a coordinated judicial enterprise treats binding precedent and federal statutes as optional. On February 23, 2026, this Court denied certiorari.

II. INTERVENING CIRCUMSTANCES AND NEW FACTORS OF SUBSTANTIAL EFFECT

Since filing the certiorari petition, developments have occurred or crystallized that deepen the federal questions and confirm no functioning forum for Petitioner's *rights.*

A. Rule 377 "Self-Review" Confirms a Closed Loop, Not Neutral Review

On October 24, 2025, Child Support Magistrate Kirsten Simonds issued an order that Petitioner challenged as jurisdictionally defective and retaliatory. On December 10, 2025, Petitioner filed a motion for review under Minn. R. Gen. Prac. 377. Rule 377 contemplates review by a District Court judge, not by the issuing magistrate. Although the register shows a case-assignment notice in November 2025 (App. A), the docket later reflected that the same magistrate—Kirsten Simonds—"took the matter under advisement" on January 27, 2026.

As of February 23, 2026, there has been no ruling by a neutral District judge and no meaningful appellate review, while the challenged order continues to be enforced.

This is not a minor irregularity; it formalizes a closed loop that creates the appearance of appellate review without any neutral decision-maker.

Later docket alteration blocked Rule 377 review (App. A).

B. Return of Case to Recused Judge Despite Jurisdictional Objections

Petitioner's underlying family-court case has long raised serious recusal and voidness questions. He showed that Judge Tenney's continued involvement violates Minnesota law and this Court's recusal standards, and that under state law and this Court's decisions, a judge required to disqualify loses authority to act. Yet, despite briefed objections, the case has been returned to Judge Tenney. He continues to preside and issue orders affecting Petitioner's liberty, finances, and parental rights.

What began as a legal argument has become an institutional practice: *state courts can* ignore disqualification mandates, continue exercising jurisdiction despite formal objections, and rely on the absence of federal enforcement to treat voidness doctrine as aspirational rather than binding.

The MCRO register reflects that Judge Tenney is again listed as the judicial officer in Case No. 86-FA-21-15. **(App. A)** Petitioner preserves his jurisdictional objection that, under Minn. Stat. § 542.16 and State v. Finch, a judge whose impartiality has been challenged may not proceed absent neutral reassignment and a lawful ruling on disqualification.

C. Oversight Collapse: Attorney General and Agencies Declining to Act

Since the petition was filed, Petitioner has continued to seek relief not just from courts, but from chief law-enforcement authorities and oversight bodies in Minnesota and federally, including the state Attorney General, human-rights and child-welfare agencies, fraud and oversight offices, and federal oversight entities. He has provided these officials with the same audit he gave the courts: transcripts, orders, and proof that judges, magistrates, and agencies are enforcing void orders,

misrepresenting binding precedent on the record, and denying ADA accommodations.

A detailed complaint to a Minnesota fraud and oversight office produced only a boilerplate "moot" denial (App. G) that did not engage any specific allegation or exhibit. DCYF EOAD likewise disclaimed authority (App. F). The state's top law-enforcement officer and relevant federal actors remain on notice yet have neither corrected the underlying misconduct nor engaged the evidence. No other forum now exists to review these contradictions.

D. ADA Gatekeeping Failure in the Lower Federal Courts

Petitioner's efforts to secure accommodations also revealed that the United States District Court for the District of Minnesota lacks a clear, accessible, and effective ADA-coordinator structure for disabled litigants. Requests for accommodation and clarification were ignored, misdirected, or treated as ordinary customer-service issues rather than as formal disability-access obligations. ADA-protected filings were misrouted, re-labeled, or sent back to the very officials whose conduct was challenged.

By contrast, in this case Petitioner received specific clerk's-office contact information and responsive procedural guidance accommodating his limitations. That contrast underscores the core point: the lower federal courts lack a functional ADA gatekeeping process, yet this Court denied review while on notice of that access failure.

E. Universal Non-Response to This Court's Call For Response and the Practical Effect of Rule 15.2

Under Rule 15.2, a brief in opposition "should address any perceived misstatement of fact or law," and objections not presented in the brief in opposition "may be

deemed waived." In this case, after the Court issued a Call For Response, no respondent filed a brief in opposition or waiver on the docket (Apps. H–I), and no respondent identified any misstatement of fact or law in a filed response; certiorari was denied.

While this case was pending, Petitioner also brought "new and important matter" to this Court's attention through supplemental filings, including post-petition acts by Article III judges and magistrates and fresh evidence of oversight collapse. If a Call For Response can be ignored without consequence, and uncontested structural violations can be denied without explanation, Rule 15.2 fails to function as a safeguard and instead becomes a procedural formality that carries no real weight for disabled litigants like Petitioner.

F. Recusal Safeguards Announced While Recusal Failures Remain Unaddressed

On February 17, 2026, this Court announced automated recusal-check software and related rule changes effective March 16, 2026 (App. J). Petitioner does not claim retroactive application. The announcement underscores that recusal breakdowns are an institutional risk. This case—raising ongoing recusal failures and Article III misconduct within the Eighth Circuit—was denied after a Call For Response that no respondent answered.

G. The "22 Legal Impossibilities" and the absence of meaningful review

In a December 6, 2025 Notice of Supplemental Authority filed under Rule 15.8, Petitioner catalogued twenty-two "legal impossibilities" arising from a December 4, 2025 order of the United States District Court for the District of Minnesota and related proceedings.

Among other things, the District Court: (1) dismissed federal claims "with prejudice" while simultaneously invoking lack of jurisdiction; (2) invoked 28 U.S.C. § 1915(e)(2)(B) to screen and dismiss while declaring the in forma pauperis application "moot"; (3) declared a pending ADA request "moot" with no identified coordinator, no interactive process, and no written determination; (4) relied on an unsigned Eighth Circuit docket entry that does not qualify as a judgment under Fed. R. App. P. 36(a); (5) failed to enter a separate judgment as required by Fed. R. Civ. P. 58; and (6) extended judicial immunity to post-recusal, administrative, and ADA-suppressive conduct that is not judicial.

The filing explained that these contradictions foreclose meaningful review: jurisdiction is denied while merits are dismissed; ADA duties are mooted without process; and non-judicial docket notations are treated as judgments. It also showed termination of the case while ADA requests, Rule 15(d) supplements, recusal challenges, and access-to-courts motions remained pending.

The "22 legal impossibilities" show a closed loop—commands issued, correction mechanisms denied, and finality imposed through procedural labels. After certiorari was denied, and with no respondent disputing these impossibilities in any filed response, no forum has provided meaningful review.

H. Concrete Consequence: License Suspension and ADA/Records Obstruction

The structural contradictions identified above are not abstract. While review has been delayed, deflected, or treated as "moot," enforcement has continued through collateral mechanisms that directly impair Petitioner's ability to work, obtain care, and maintain contact with his child. In particular, Petitioner received a DPS "NOTICE OF SUSPENSION – DHS ORDER" stating his driver's license "will be suspended as of Dec. 06, 2025" based on a "DHS ORDER" and "failure to comply

with DHS payment agreement" (App. B). Petitioner moved to strike the suspension as void because it issued during an automatic stay under Minn. R. Gen. Prac. 377 and after DPS had confirmed in writing that his driving privileges were valid and that DVS had not received any court order to suspend (App. C). Petitioner simultaneously made ADA-protected requests and Minnesota Government Data Practices Act demands seeking the legal basis, decision-maker, and process behind the suspension, without a written ADA determination or meaningful response (Apps. D–E). This is the same pattern: process is denied, enforcement continues, and no forum supplies neutral review.

III. THIS COURT'S INSTITUTIONAL DUTY WHEN A CIRCUIT TREATS SUPREMACY AND ADA AS OPTIONAL

Petitioner recognizes that certiorari is discretionary and that this Court denies many petitions without comment. But there is a categorical difference between ordinary alleged errors in the application of law and a documented structural pattern in which a state judiciary, its top law-enforcement officials, and a federal circuit court collectively act as if the Supremacy Clause, recusal rules, and federal disability statutes are optional—even after this Court issues a Call For Response that no respondent answers.

Petitioner does not ask this Court to write new law. In every forum he has approached—state courts, state oversight agencies, the federal District Court, the Eighth Circuit, and this Court—the Constitution and this Court's precedents have operated not as limits on power but as gloss. Judges and officials have continued to enforce orders that state law renders void ab initio, disregard recusal mandates, and treat Title II and § 504 as optional, while invoking "jurisdiction," "procedure," and "mootness" to avoid engaging those violations, **so that no court, agency, or**

oversight body has accepted responsibility for enforcing the underlying guarantees in this case. For a disabled parent in Petitioner's position, the message is plain: rights guaranteed by the Constitution and by Congress do not operate as restraints on the State; they operate as rhetoric the State may deploy or ignore. He asks only that this Court enforce the law it has already written, including its decisions clarifying federal supremacy and its opinions emphasizing that administrative and judicial actors cannot insulate themselves from accountability by procedural sleight of hand. The message to lower courts is unmistakable: voidness can be enforced as if it were validity, ADA rights can be ignored so long as the litigant is disabled and pro se, and misstatements of binding precedent on the record will face no consequences.

No state, court, or administrative body may create or apply rules that obstruct the exercise of federal constitutional and statutory rights. The Supremacy Clause does not permit states to achieve indirectly—through jurisdictional fictions, mootness labels, or ADA gatekeeping failures—what they could never do directly: nullify federal protections in operation while leaving them intact on paper. When courts and agencies tolerate systems in which void orders are enforced, ADA requests are treated as optional, and structural challenges are deflected rather than heard, the result is not mere error but an administrative workaround that leaves rights without remedies. That risk is no abstraction here: after this Court issued a **Call For Response**, *no* respondent disputed Petitioner's account, yet the documented contradictions remain unaddressed.

IV. REASONS TO GRANT REHEARING

Rehearing is warranted under Rule 44.2 for multiple, interrelated reasons.

First, intervening circumstances of substantial effect have occurred or become clear since the petition was filed: the self-review of a challenged order by the same magistrate under Rule 377; the return of the case to a judge whose recusal was required and whose continued jurisdiction has been formally challenged; the refusal of the state's chief legal officers and oversight bodies to act when presented with a detailed audit of violations; the confirmed absence of meaningful ADA coordination within the very federal court whose actions were reviewed by the Eighth Circuit and left undisturbed by this Court; and the adoption of new recusal safeguards even as this particular record of recusal failure was denied without explanation.

Second, the questions presented are of exceptional importance to the integrity of recusal and voidness doctrines; the enforceability of Title II and § 504 where the barrier is at the courthouse door; and public confidence in the judiciary's willingness to apply its own precedents to itself, not just to the parties that appear before it.

A. Consistency with This Court's ADA Jurisprudence

This Court's unanimous decision in *Perez v. Sturgis Public Schools, 598 U.S. 142 (2023)*, confirms that public institutions may not manufacture additional barriers to ADA relief beyond those Congress has written into the statute.

Most recently, in A. J. T. v. Osseo Area Schools, Indep. Sch. Dist. No. 279, No. 24-249 (June 12, 2025), this Court unanimously vacated an Eighth Circuit decision that had imposed a heightened standard for ADA and § 504 claims, reinforcing that disabled people cannot be subjected to extra-statutory hurdles simply because of the context in which they seek relief.

Yet in the Eighth Circuit, as documented here, disabled pro se parents face obstacles far more severe than the exhaustion requirement rejected in Perez: the effective absence of a functional ADA coordinator structure; written accommodation requests ignored, trivialized, or treated as informal "customer service" matters; and ADA-protected filings misrouted, re-labeled, mooted, or sent back to the very

officials whose conduct is challenged. These are not minor procedural missteps; they are systemic gatekeeping devices that keep disabled litigants out of the courthouse in real time.

B. Legal Questions That Will Have No Forum for Correction

If rehearing is denied, Petitioner will be left with no judicial forum in which to obtain review of the structural violations documented in this case. The following legal issues will remain unresolved—not because they lack a factual record, but because every court and oversight body has declined to engage them on the merits:

- **Systemic recusal failures and void jurisdiction:** whether a judge required to recuse under state law and this Court's recusal decisions may nonetheless continue to exercise jurisdiction for years, with no effective federal remedy when those orders are challenged as void.

- **Improper self-review under Minn. R. 377:** whether a child-support magistrate may "take under advisement" a Rule 377 motion for review of her own order when the rule assigns that review to a neutral District judge, and whether such routing and delay can be used to moot objections while enforcement continues.

- **Use of administrative processes to block access rather than provide review:** whether court administrators and clerks may misroute recusal motions, jurisdictional objections, and ADA-protected filings back to the officials whose conduct is at issue, re-label or refuse filings without explanation, and thereby convert appellate and complaint procedures into tools of self-protection rather than neutral review.

- **Denial and nullification of ADA and § 504 rights at the courthouse door:** whether Title II and § 504 provide any meaningful protection when there is no functional ADA coordinator structure, written accommodation requests are ignored or trivialized, and a disabled litigant is forced to mark filings as ADA-protected simply to create a record that his needs were presented and disregarded.

- **Tolerance of fraud on the court and abuses of office under color of law:** whether documented misstatements of binding precedent on the record, enforcement of orders known to be void or impossible to obey, and coordinated efforts to preserve those orders can be treated as non-issues, even when presented as part of a detailed audit.

• **Universal Non-Response to the Call For Response and the Practical Effect of Rule 15.2:** whether, in a case where this Court issues a Call For Response and no respondent files a brief in opposition or waiver, and no one points to any misstatement of fact or law, it is consistent with the rule of law to treat the petitioner's detailed factual account as effectively uncontested—and yet still dispose of the matter with a denial and no explanation.

• **Practical enforceability of constitutional guarantees for disabled pro se litigants:** whether disabled, indigent pro se parents in the Eighth Circuit have any meaningful access to equal protection, due process, and ADA guarantees when a full-circuit audit of structural failure—unchallenged by any respondent—is met with the same disposition as an ordinary, fact-bound dispute.

If this Court can allow uncontested evidence of recusal violations, ADA denials, and open defiance of its own supremacy doctrine to be buried with an order after a Call For Response that no one answered, then the rule of law and even the Constitution itself risk becoming unenforceable in practice.

V. PRAYER FOR RELIEF

For the foregoing reasons, Petitioner respectfully requests that this Court:

1. grant rehearing of the February 23, 2026 order denying the petition for a writ of certiorari;
2. upon rehearing, grant the petition and set the case for briefing and disposition on the merits; or, in the alternative,
3. vacate the judgment below and remand with instructions that the case be reassigned to a neutral District judge and adjudicated in compliance with this Court's decisions in Perez and A. J. T. v. Osseo Area Schools, with full, on-the-record ADA coordination; or, in the further alternative,
4. grant such other relief as this Court deems appropriate to address the systemic issues raised by this case, including the ongoing enforcement of void, jurisdictionally defective, and ADA-violative orders against Petitioner.

Respectfully submitted,

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March 4, 2026

Certificate of Word Count

I certify that this Petition for Rehearing contains 2,992 words, excluding the signature block, the certificates, and the appendix, and complies with Rule 44.2.

Certificate of Compliance with Rule 44.2

I, Timothy R. Provo, certify that this petition for rehearing is limited to the grounds specified in Rule 44.2, is presented in good faith and not for delay, and complies with all applicable rules and requirements of this Court.

APPENDIX

Petitioner submits the following limited excerpts from the state and federal record, oversight correspondence, and legal authorities referenced in this Petition for Rehearing. Full versions are available from the Minnesota courts, the federal dockets, and official reporters. Petitioner omits nonessential portions to reduce length and cost. **Appendices A–J are attached. Appendix K (citations/authorities)**

Additional material from this filing is available in the Clerk's Office.