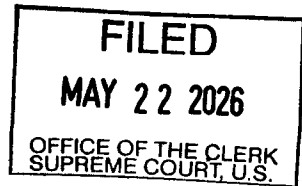


26-5002



In the Supreme Court of The United States

ABRAHAM THOMAS,

Petitioner,

v.

UNITED STATES POSTAL SERVICE,

Respondent.

*ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT*

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

1. Whether this case presents a recurring question concerning the established procedural safeguard afforded to an indigent pro se litigant with PTSD by district court and sixth circuit court far departed from the accepted and usual course of judicial proceedings, required to call for an exercise of this courts Supervisory power.
2. Whether this case presents a question of exceptional importance concerning the ability of federal employees to seek redress for intentional disparate treatment including systemic retaliation, violation of statutory mandate and procedural abuses following work-related injuries and aggravated injuries, warranting Certiorari review to clarify the judiciary's role in holding federal agencies accountable to their own regulations and statutory duties.
3. Whether interfering with approved or protected leave under FMLA, resulting aggravation of the condition that accepted under FMLA, caused extended unpaid absences, constructive suspension, and constructive discharge, impaired the mental ability to pursue pending litigation at federal district court and pending EEO administrative proceedings, constitutes cognizable prejudice sufficient to sustain FMLA interference and retaliation claims and whether the deprivation of job protections in civil service under such circumstances violates the Fifth Amendment's Due Process Clause

4. Whether federal remedial schemes foreclose a constitutional claim where a federal employee alleges that agency officials threatened him for reporting an aggravated work injury, denying medical assistance, pretextual removal notice for reporting injury coercive agreement to not to file EEO complaint, obstructed/errored injury-reporting and accommodation procedures, denied reassignments and leave protections in retaliation for the injury report, and thereby deprived him of statutory benefits, wages, continued employment, and social security disability without due process.
5. Whether an agency is entitled to summary judgment on a Title VII retaliation claim when the record contains direct evidence of retaliatory animus—specifically, a manager's admission that a reassignment was halted because the employee reported a work injury—and the agency violated its own mandatory procedures, thereby creating a conflict with established burden-shifting frameworks.

List of Parties and Related Case

List of Parties

Petitioner is Abraham Thomas, plaintiff-appellant below.

Respondent is the United States Postal Service,
defendant-appellee below.

Related cases

United State District Court for Eastern District of Michigan.

- *Abraham Thomas v. United State Postal Service*, No.22:2-cv-11506
Judgement entered December 9, 2024

United State Court of Appeals for the Sixth Circuit

- *Abraham Thomas v. United State Postal Service*, No.24-2101
Judgement entered December 9, 2025,

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PETITION FOR A WRIT OF CERTIORARI

Petitioner, Abraham Thomas respectfully petitions for a writ of certiorari to review the judgement of the United State Court of Appeals for the Sixth Circuit court in this case.

OPINIONS BELOW

The judgment sought to be reviewed is the judgment of the United States Court of Appeals for the Sixth Circuit in **Case No. 24-2101** (App., *infra*, 382a-395a), which affirmed the judgment of the United States District Court for the Eastern District of Michigan in Case No. 2:22-cv-11506 App., *infra*, 191a-220a.

The district court case arose from Petitioner Abraham Thomas's federal employment-discrimination action against the Postmaster General, United States Postal Service (App., *infra*, 299a-368a) Petitioner's appellate filings identify district-court orders dismissing claims, granting summary judgment, denying reconsideration, denying leave to amend, and denying relief relating to alleged obstruction and procedural violations (App., *infra*, 160a-188a).

Petitioner filed a petition for rehearing en banc in the Sixth Circuit, asserting that the panel decision conflicted with precedent governing Title VII retaliation, FMLA interference, federal-employee due process, and review of pro se pleadings (App., *infra*, .096a-124a, 009a-95a-exhibits) The panel judgment entered on December 9, 2025

JURISDICTION

The United States Court of Appeals for the Sixth Circuit had appellate jurisdiction over the district court's final judgment under 28 U.S.C. § 1291.

Petitioner seeks review of the Sixth Circuit's judgment under 28 U.S.C. § 1254.

The Sixth Circuit entered judgment on December 9, 2025 (App., *infra*, 008a). The petition for rehearing en banc was filed on January 22, 2026 ((App., *infra*, .096a-124a, 009a-95a-exhibits). Because the United States is a party, Petitioner's rehearing filing states that Federal Rule of Appellate Procedure 40(d)(1) provides a 45-day period for rehearing.

Supreme Court Rule 13 governs the time to file a petition for a writ of certiorari.

Under Supreme Court Rule 13.3, if a timely petition for rehearing is filed, the time to file a petition for a writ of certiorari runs from the date rehearing is denied or, if rehearing is granted, from the subsequent entry of judgment.

Petitioner invokes this Court's certiorari jurisdiction following the Sixth Circuit's judgment and disposition of rehearing on 02/26/2026 (App., *infra*, .001a).

CONSTITUTIONAL AND STATUTORY PROVISION INVOLVED

This petition involves the First Amendment, the Fifth Amendment Due Process Clause, the Seventh Amendment right to jury trial, Fourteenth Amendment equal protection and due process as invoked in Petitioner's appellate filings.

This petition also involves Title VII's federal-sector employment-discrimination and retaliation framework, including the enforcement provisions of 42 U.S.C. § 2000e-5. Title VII authorizes a civil action after specified administrative action or inaction and permits the court, in appropriate circumstances, to appoint counsel and authorize commencement without payment of fees, costs, or security.

This petition involves the Rehabilitation Act's remedial provisions, including 29 U.S.C. § 794a, which incorporates specified remedies, procedures, and rights for federal-employee and federally assisted discrimination claims and authorizes reasonable attorney's fees for a prevailing party other than the United States.

This petition involves the Family and Medical Leave Act provisions identified in Petitioner's rehearing filing, including 29 U.S.C. §§ 2612 and 2615.

This petition also involves 28 U.S.C. § 1291 and Federal Rule of Appellate Procedure 40, as identified in Petitioner's rehearing filing. Federal Rule of Appellate Procedure 3 governs the manner of taking an appeal as of right by filing a notice of appeal.

STATEMENT OF THE CASE

Petitioner Abraham Thomas began his employment with the United States Postal Service ("USPS" or "Agency") in May 2014 as a mail carrier in Warren, Michigan. His duties involved walking 10 to 20 miles daily while carrying a mailbag weighing up to 30-40 pounds and delivering packages weighing up to 70 pounds. (App., *infra*, 009a-011a).

1. Work-Related Injury, Initial Retaliation, and Protected activity

On March 2, 2016, Mr. Thomas reported a work-related ankle sprain. While recovering, Agency failed to accommodate his request and forced to work 10 hrs, which led to a severe back injury on March 10, 2016 (App., *infra*, 012a-015a).

When a coworker reported his second (aggravated) injury, Petitioner's supervisor allegedly threatened him that he could not have another injury and sent him home without medical assistance. Later petitioner attempted to work through his injury, but driving with injured back proved too difficult. After being taken to the hospital, he received a threatening voicemail from supervisor David Staller stating that a "special force" would sent after him. At hospital he had to report as work injury, they induced pain medication and did not conduct any imaging study to identify the severity of the injury and sent home after one day. The Agency subsequently denied Continuation of Pay while treatment and recovery, causing him to return to work before fully recovering. Upon his return to work, issued a **pretextual removal notice for reporting first injury** (App., *infra*, 016a-

018a). When Petitioner informed the union steward about his **intention to filing EEO complaint** he immediately informed the management and compelled the petitioner to sign a coercive agreement to forgo an EEO complaint (App., *infra*, 020a) and directed him to return to work without medical restrictions in order to resolve the removal action. Management placed him to a high-risk employee group with training once in every quarter. The aggravated injury, alleged threats, lack of medical assistance, and related adverse actions contributed to **post-traumatic stress symptoms, including fear of speaking and facing people, crying spells, nervousness, emotional distress, memory issues, and difficulty presenting complaints** etc.

2. Denial of Accommodation and Recurrence of Injuries

Following his return, Petitioner requests for accommodation, —including requests to adjust or split long “park and loop” delivery routes to reduce walking distance and load while his back healed—were denied. July 2016 onwards, Mr. Thomas sought to accommodate his injuries by applying for numerous reassignments. He submitted an application to the maintenance in-service register in September 2016 (App., *infra*, 030a-031a) and made over 18 other voluntary transfer requests for various vacant positions, including mail handler, clerk, and automotive technician, all of which were stopped without notice (App., *infra*, 032a -47a). After several application in 2016 when he had an individual safety training with Postmaster, he said “if anyone wants transfer to the plant or any other place will go through him and he knows most of all the personals in the

District and the Plant. He is not going to allow them if he don't like their performance. Just need a call" (App., *infra*, 050a) at that time petitioner did not have the knowledge of denials because after initial processing acknowledgement email nothing happened.

He suffered a series of subsequent injuries and aggravations of his back condition, including a slipped disc in May 2017 while removing snow from a postal vehicle, recurring minor slipped discs and ankle sprains during 2017 and 2018 where he afraid to go to hospital or seek medical care due to fear of getting punished. After recurrence of several ankle injuries in 2018 petitioner developed aggravated back pain. Petitioner reported recurrence of backpain and requested accommodation and assistance to deliver heavy packages, curtail atleast half bundles (weekly newspaper and other heavy bundles). Whenever he requests assistance due to exacerbation of backpain, the supervisors gave direct orders to deliver entire mail. During September 2018, supervisor sent Postal inspector to watch him after denying accommodation to deliver heavy bundles. Another occasion when he asks assistance for delivering heavy package weighing more than 50 lb supervisor told him it is illegal to help him to deliver heavy packages.

December 2018 petitioner diagnosed with lumbar disc desiccation with radiculopathy (App., *infra*, 026a), when he reported to the postmaster, he asked him not to report to office of workers compensation program (OWCP) , then they can help with light duty. The petitioner did not have any other source of income so he reported to OWCP and they accepted as occupational condition and covered

medical treatment but denied loss wages during treatment, recovery, further aggravation due to non-accommodation. His symptoms repeatedly worsened due to the Agency's continued refusal to honor doctors' work restrictions requiring further treatment including sacroiliac and epidural injections. Beginning in July 2019, he developed panic attacks and paranoia while driving a postal truck, which he attributes to being forced to continue working on the same physically demanding routes despite his back condition and medical limitations, with additional panic episodes occurring in September 2019 and thereafter under similar circumstances (App., *infra*, 026a-029a, 051a-056a).

3. **Denial of Union grievance process to redress and breach of agreement:** After the initial aggravated injury reporting, the union refused to file any grievance on petitioner behalf for many disparate treatments. The complaint to the national labor relation board dismissed without due process and meaningful opportunity to present the side and crosscheck the evidences (App., *infra*, 365a-366a)

4. **EEO Complaint:** Initial EEO complaint was filed during January 2018 under EEO Case # 4J-481-0092-18 when petitioner became aware that his application for a Maintenance Mechanic position was halted after he achieved a qualifying score of 87.13 on the required Maintenance Selection System (MSS) examination (App., *infra*, 048a). In response to this denial, he filed EEO complaint #4J-481-0092-18, alleging race discrimination and reprisal for his prior injury reports. The Agency provided conflicting explanations for its decision, including

that a manager did not want to lose “bodies” from his unit (App., *infra*, 094a) and an explicit admission from a Station Postmaster that the reassignment was stopped because he had reported a work injury (App., *infra*, 049a). Since then, Petitioner filed many EEO complaint of non-accommodation, harassment, retaliation, religious accommodation while administrative process of initial complaint was pending, unfortunately agency official became part of intentional disparate treatment to deny all benefits afforded to federal employees without due process.

5. **FMLA Interference and Constructive Discharge** from November 23 to December 6, 2019, after continued denial of his medical restrictions allegedly aggravated his PTSD, Mr. Thomas was placed on Absent Without Leave (AWOL) status, leading him to submit a resignation letter due to fear for his safety (App., *infra*, 051a-056a).

In 2022, Mr. Thomas experienced further FMLA interference, which the Agency acknowledged occurred on 12 separate occasions. An incident on June 13, 2022, where his supervisor allegedly created a hostile environment while he was requesting FMLA leave, triggered a panic attack and led to another period of AWOL from June 13 to June 30, 2022 (App., *infra*, 057a-061a). Fearing for his safety, he left his post at the Metroplex facility on October 3, 2022, with an intent to resign, resulting in another constructive suspension (App., *infra*, 62a).

After securing a bid at a call center, Mr. Thomas discovered the Agency had allegedly altered his work hours to issue an FMLA ineligibility letter after

invoking is approved FMLA. On February 27, 2023, he suffered seizures at work, which he attributes to the ongoing stress and paranoia. He subsequently submitted his final resignation on March 9, 2023, stating that he was afraid to return to work due to the systemic violation of his rights (App., *infra*, 063a).

6. **District court proceedings:** the prose appellant brief had details of the violation by the district court. (App., *infra*, 160a)

7. **Unlawful surveillance, Public Harassment, intimidation by state and national actors for filing discrimination complaint with federal district Court:** After constructive discharge many members from the neighborhood, community members, students, school-related individuals, parents of other children, businesses, banks, stores, restaurants, libraries, hospitals, clinics, pharmacies, internet providers, mobile-service providers, and technology-company employees were used or influenced to provoke him, track him, intimidate him, and aggravate his PTSD symptoms. He alleges that these acts included public harassment, targeted provocations, threatening references to poisoning or harm, and actions designed to make him fear for his children and family.

8. **Cyberstalking, Device Interference, and Electronic Harassment.** unidentified deep state actors hacked or interfered with his email, bank accounts, Facebook account, cellphone, computers, routers, security cameras, dash cameras, and other personal devices. He further alleges that unidentified actors used social engineering, phone-call diversion, electronic

messages, and interference with internet access, online classes, proctored examinations, job applications, and litigation files to obstruct his education, employment, medical care, and court access. Messages were sent through combination of email headers, app notifications vehicle number plates, and other electronic means referencing private conversations or threatening harm to his family. After receiving a message about kidnapping his children, he contacted the police department but was told no report would be filed because no crime had occurred

9. Threats to Kill, Hurt, Poison, or Otherwise Harm the

Complainant and Family Members: Petitioner have he received or perceived repeated threats to kill, hurt, poison, or otherwise harm him, his children, his wife, and relatives through unlawful surveillance. On February 17, 2025, immediately before an appeal deadline, someone rearended petitioner vehicle while waiting in the central lane to turn left and was followed by a message suggesting that the incident had been planned. Similarly, the day before the Judgement by appeal court, ie on December 8, 2025 petitioner barely escaped from another accident setup (dash cam footage secured).

While filing for writ of cert was pending, he was getting threats that his kids are being poisoned from school using biological weapons where his kids were getting sick. Using email headers, reels, number plates and phone calls, he was informed that his kids and family were poisoned using personalized bioweapons edited from his own blood donated to Red Cross. The threats include his family

and relatives are going to suffer hearing loss, vision loss, muscular dystrophy, autism, and painful death and some of such threats were reported to appeal court unfortunately they become part of it. From recent inquiry and research, he found Cleveland clinic, University of Michigan received his blood/plasma where they have modern gene therapy against such mutation / genetic disorders. The threats, my kids / families / relatives frequent sickness and blood reports shows we were injecting personalized faulty genes using virus vector and regular food supply that learnt from the continuous surveillance.

On June 8, I went to Shelby Township Police Station to file a report on the lesion developed on my son's scalp after receiving threats possibly being poisoned from school, but **they refused to file any complaint stating that it is a huge conspiracy and you should move out from Michigan.** Inactions by many government agencies including law enforcement and health care professionals confirms that they are waiting for his family's death or any adverse actions from his family to bring him down as I am already been injected with 44 kits of various faulty genes. Copy of second complaint refused by Shelby Township Police Department enclosed in Appendix Q.

By the time Supreme court process my complaint, my family and relatives may be dead or suffering from severe deformities. Either situation, the Postal Service management, State attorney office, District Court, Appeal court who violated the due process and equal protection is responsible because reporting aggravated work injury is my right that guaranteed by the United States.

REASONS FOR GRANTING THE PETITION

This case presents important federal questions concerning whether a federal employee who proceeds pro se under Title VII, Rehabilitation Act, and FMLA action receives the meaningful judicial review required by federal law, when the courts below allegedly fail to address administratively exhausted title VII retaliation claims (App., *infra* 347a-366a), alleged agency procedural violations, alleged obstruction of EEO and judicial proceedings (App., *infra* 166a-169a, 267a-275a), denial of access to employment record related to the exhausted claims and alleged court-administrative barriers(App., *infra*,174a-184a) targeting worsen mental health, that impair the litigant's ability to be heard.

The arguments, dismissal of exhausted claim, summary judgement, not based on the factual allegations in the standing complaint (App., *infra* 302a). The exhausted complaint under 4J-481-0092-18 has allegation on discrimination and retaliation based on protected activity.

I. THE DECISION BELOW CONFLICTS WITH THE PRINCIPLE THAT TITLE VII FEDERAL EMPLOYEES ARE ENTITLED TO MEANINGFUL DE NOVO JUDICIAL REVIEW

Congress created a judicial remedy for federal employees alleging employment discrimination, and federal-sector Rehabilitation Act claims incorporate specified Title VII remedies, procedures, and rights. 29 U.S.C. § 794a. Title VII's enforcement provisions authorize civil actions after specified administrative

action or inaction and provide for appointment of counsel and waiver of fees in appropriate circumstances. 42 U.S.C. § 2000e-5. Petitioner's motion to appoint counsel (App., *infra* 276a-292a) and motion to court assistance in conducting deposition (App., *infra* 293a-298a)

This Court has recognized, in the federal-employment Title VII context, that federal employees are entitled to meaningful judicial review rather than mere deferential acceptance of administrative outcomes. In *University of Tennessee v. Elliott*, 478 U.S. 788 (1986), this Court distinguished Title VII review from ordinary administrative preclusion principles, explaining that unreviewed administrative determinations do not bar Title VII de novo review. In *Williams v. Tennessee Valley Authority*, 552 F.2d 691 (6th Cir. 1977), the Sixth Circuit discussed *Chandler v. Roudebush*, 425 U.S. 840 (1976), as holding that federal employees under Title VII enjoy the same right to trial de novo in federal district court as private-sector employees.

Petitioner's filings allege that EEO Case No. 4J-481-0092-18 was exhausted and that the primary basis of the complaint was race and reprisal for protected activity. Petitioner further alleges that the agency withheld relevant retaliation claims from the formal EEO complaint and then relied on exhaustion arguments in district court to narrow or defeat judicial review. Petitioner's rehearing petition likewise framed the case as involving administratively exhausted Title VII claims arising from denial of reassignment, retaliation, and agency procedural violations.

If a federal agency may allegedly obstruct or narrow the administrative record and then obtain dismissal or summary judgment because the pro se employee did not perfectly present the very claims allegedly withheld or obstructed, the statutory right to de novo judicial review becomes illusory. This case therefore presents a recurring and important question: whether courts must meaningfully examine alleged administrative obstruction before enforcing exhaustion rules against a federal employee proceeding without counsel.

II. THE CASE PRESENTS AN IMPORTANT QUESTION ON MEANINGFUL ACCESS TO COURTS AND THE OPPORTUNITY TO BE HEARD

Due process requires a meaningful opportunity to be heard when legal rights are adjudicated. In *Boddie v. Connecticut*, 401 U.S. 371 (1971), this Court held that due process requires, absent an overriding countervailing state interest, a meaningful opportunity to be heard for persons forced to resolve claims through judicial processes. In *Tennessee v. Lane*, 541 U.S. 509 (2004), this Court recognized that Title II of the ADA addressed access to public services, including courts, and discussed the Due Process Clause's protection of access to judicial proceedings.

Petitioner alleges that he was indigent, proceeded pro se, lacked legal assistance, and faced procedural barriers that impaired his ability to present his claims.

Petitioner alleges court-administrative problems including delayed handling of his application to proceed without prepaying fees, denial of procedural assistance,

denial of access to own employment records, erroneous docketing of filings and exhibits, and dismissal without a hearing. Petitioner also alleges that his ability to litigate was impaired by mental-health conditions that he attributes to the agency's alleged retaliation and continuing obstruction.

This case does not ask the Court to create a general constitutional right to counsel in civil employment cases. Rather, it asks whether due process and Title VII's remedial structure require courts to address concrete allegations that state actors, court-administrative processes, or agency conduct prevented a pro se civil-rights litigant from presenting exhausted claims in a meaningful manner

The question is important because Title VII's statutory protections depend on the availability of meaningful judicial review for employees who often cannot obtain counsel.

III. THE DECISION BELOW CONFLICTS WITH THE PROPER TREATMENT OF PRO SE PLEADINGS AND RECORD-BASED CLAIMS

Petitioner's filings allege that the district court failed to consider record evidence, denied access to injury and employment records, granted a protective order without a hearing, and dismissed claims without meaningful review of evidence disclosed in discovery. Petitioner's reply brief asserts that the agency concealed or misstated facts regarding work-related injuries, continuation-of-pay benefits,

reassignment requests, FMLA issues, EEO processing, and procedural due process.

Although pro se litigants must follow procedural rules, courts have recognized that pro se pleadings are construed liberally while still requiring factual support. In *Pilgrim v. Littlefield*, 92 F.3d 413, 416 (6th Cir. 1996), the Sixth Circuit held that pro se prisoners alleging denial of access to courts must plead and prove actual prejudice, while recognizing that pro se pleadings receive less stringent review. In *Johnson v. Doe*, Case Number 12-10918 (E.D. Mich. July 26, 2016), the district court considered documents attached to pleadings as part of the pleadings and held that an attached proposed appellate brief could support the sufficiency of an access-to-courts claim.

Petitioner contends that relevant documents, PageID references, and exhibits showed exhausted retaliation claims, denial of reassignment after a qualifying score, FMLA interference, and procedural obstruction. The question presented is not whether Petitioner ultimately prevails. The question is whether lower courts may affirm dismissal or summary judgment without meaningfully addressing the record-based allegations that support the statutory and constitutional theories asserted by an indigent pro se litigant.

IV. THE CASE PRESENTS AN IMPORTANT FEDERAL QUESTION CONCERNING RETALIATION, REASSIGNMENT, AND AGENCY PROCEDURAL VIOLATIONS

Petitioner alleges that he reported work-related injuries, requested accommodation or reassignment, qualified for a Maintenance Mechanic position, and then had the reassignment process halted without completing established procedural steps. Petitioner further alleges that an agency official admitted the reassignment was stopped because he reported a work injury. Petitioner's rehearing petition argued that this constituted direct evidence of retaliation and required a burden-shifting analysis different from ordinary circumstantial-evidence review.

The Supreme Court's Title VII retaliation and discrimination precedents require careful attention to adverse employment actions and proof of discriminatory or retaliatory motive. Petitioner relied below on *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973), for burden shifting, *Muldrow v. City of St. Louis*, 144 S. Ct. 967 (2024), for the standard governing harm from employment actions, *Ricci v. DeStefano*, 557 U.S. 557 (2009), for employer manipulation of selection procedures, and *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002), for the treatment of related acts as evidence.

Petitioner's allegation is that the agency's denial of reassignment was not merely a personnel preference but an action that forced him to remain in physically demanding work, aggravated injuries, and ultimately contributed to disability

and constructive discharge. Petitioner further alleges that USPS violated internal procedures governing maintenance vacancies after he achieved a qualifying score and stopped more than 18 reassignment requests to less physically demanding job without procedural due process (App., *infra*, 115a-116a). Those allegations raise a substantial question whether the lower courts improperly minimized the employment consequences of denied reassignments and failed to address alleged procedural irregularities as evidence of retaliation or pretext.

**V. THE FMLA ISSUES ARE INDEPENDENTLY CERTWORTHY
BECAUSE THE LOWER COURTS ALLEGEDLY TREATED
INTERFERENCE WITHOUT MEANINGFUL PREJUDICE
ANALYSIS**

Petitioner's filings allege that USPS interfered with FMLA rights, created a hostile situation while he was requesting FMLA leave, caused aggravation of serious mental health condition accepted under FMLA, caused an extended absence without pay constitute constructive suspension, and later contributed to constructive discharge. Petitioner's rehearing petition states that the agency acknowledged multiple FMLA interference incidents and that the June 13, 2022 incident allegedly caused an absence from June 13 to June 30, 2022 (App., *infra* 107a,108a,117a,118a, 051a-064a).

The FMLA questions are important because interference may cause prejudice even when the leave itself is unpaid. Petitioner alleges wage loss, prolonged absence, aggravation of a serious health condition, and constructive discharge as

consequences of the interference. The decision below, as characterized in Petitioner's filings, failed to meaningfully address whether those alleged harms constitute cognizable FMLA prejudice. The retaliation includes, revoking FMLA certification without exhausting 12 weeks of unpaid leave and then issue ineligibility letter after altering work hours in the Postal Service database.

This case therefore presents a clean legal issue suitable for review: whether a federal employee states or preserves an FMLA interference or retaliation claim where the alleged interference aggravates an approved medical condition, prolongs unpaid absence, and contributes to constructive suspension or discharge. The issue is recurring in federal employment and is important to employees whose protected leave rights are meaningful only if interference-related harm receives substantive review.

VI. THE CASE HAS BROADER IMPORTANCE FOR FEDERAL EMPLOYEES AND THE INTEGRITY OF ADMINISTRATIVE EXHAUSTION

This petition arises in the context of federal-sector employment, where employees must often navigate agency-controlled EEO processes before judicial review. Petitioner alleges that USPS controlled or obstructed the administrative process, withheld relevant claims, denied benefits and records, and then invoked procedural defenses in court. In *Teamsters v. United States*, 431 U.S. 324 (1977), the Supreme Court recognized that systemic employment discrimination may

deter formal applications or complaints and that relief is not automatically barred merely because a person did not make a futile formal application.

Administrative exhaustion serves legitimate purposes, but it should not become a mechanism by which the agency alleged to have discriminated also controls the scope of later judicial review through obstruction or omission. The Rehabilitation Act's remedial provision incorporates Title VII remedies and procedures for federal-employee disability discrimination claims. 29 U.S.C. § 794a. Title VII's enforcement provision contemplates access to federal court after administrative action or inaction. 42 U.S.C. § 2000e-5.

The Court should grant review to clarify that exhaustion rules must be applied consistently with meaningful judicial review, especially where a pro se federal employee alleges that the agency's own administrative conduct prevented proper presentation of claims. This issue is of exceptional importance because federal employees depend on agency EEO processes as the gateway to court, and the integrity of those processes affects national enforcement of workplace civil-rights laws.

VII. AGENCY'S VIOLATION OF ITS OWN PROCEDURES AND DIRECT EVIDENCE OF RETALIATION SHIFTS BURDEN

The panel's decision is in direct conflict with established legal principles governing retaliation claims where direct evidence of discriminatory animus exists. The record contains an explicit admission from a Station Postmaster that

Mr. Thomas's reassignment was stopped specifically because he reported a work injury (Exhibit-08). This admission is not circumstantial evidence requiring inference; it is direct evidence of a prohibited personnel practice under 5 U.S.C. § 2302(b). For federal employees, the same factual conduct also supports retaliation and failure-to-accommodate theories under the Rehabilitation Act, which expressly incorporates Title VII's "remedies, procedures, and rights." See *Hiler v. Brown*, 177 F.3d 542, 545-46 (6th Cir. 1999). When a plaintiff presents direct evidence of retaliation, the McDonnell Douglas burden-shifting framework becomes inapplicable. Instead, the burden of persuasion shifts to the employer to prove by a preponderance of the evidence that it would have made the same decision even in the absence of the retaliatory motive. The panel erred by affirming summary judgment without applying this correct legal standard to the Postmaster's admission.

This error was compounded by the panel's failure to address the Agency's violation of its own binding procedural rules. The USPS has a clear, multi-step process for filling Maintenance vacancies (Handbook EL-304, MSS) (Exhibits-13, highlighted). Mr. Thomas satisfied all requirements up to the point of the final interview, having achieved a high qualifying score on the MSS examination (Exhibit-14). The Agency's abrupt cancellation of his interview without notice was a clear departure from its mandatory procedures. In federal employment law, an adverse action cannot be sustained if it resulted from a "harmful error in the application of the agency's procedures." 5 U.S.C. § 7701(c)(2)(A). A harmful error

is one that “might have caused the agency to reach a conclusion different than the one reached.” Here, but for the procedural violation driven by retaliatory animus, Mr. Thomas would have proceeded to the final interview and likely secured the reassignment.

The panel’s decision allows an agency to ignore its own regulations and escape liability for admitted retaliation, a result that undermines the very foundation of administrative due process. The supreme court’s power is essential to correct such fundamental errors in the administration of justice. See *Western Pacific Railroad Case*, 345 U.S. 247, 260 (1953). By failing to hold the Agency accountable for its procedural violations and its manager’s direct admission of retaliation, the panel’s decision creates a conflict with precedent and raises a question of exceptional importance regarding the procedural rights of federal employees. Cert review is necessary to correct this error and maintain the uniformity of this Court’s decisions on burden-shifting and harmful error analysis.

VIII. THE CASE IS AN APPROPRIATE VEHICLE TO ADDRESS RECORD-HANDLING AND REVIEW STANDARDS

This case is a suitable vehicle because the alleged procedural defects are tied to identified claims and identified filings. Petitioner’s appellate brief was filed on March 17, 2025. Petitioner’s reply brief was filed on June 13, 2025. Petitioner’s petition for rehearing en banc was dated January 22, 2026. His rehearing

petition identified the panel judgment as entered on December 9, 2025. Those filings provide a defined procedural sequence for evaluating whether the lower courts addressed the claims and exhibits presented.

The vehicle is also appropriate because Petitioner's requested review does not depend on a generalized disagreement with the lower courts' weighing of evidence. Rather, Petitioner contends that the courts failed to consider factual allegations on the standing case, record evidence, applied incorrect standards to direct evidence and FMLA prejudice, and allowed docketing or exhibit irregularities to impair appellate review. Those questions are legal and procedural in nature.

Finally, the petition raises questions of national importance because federal employees depend on administrative exhaustion, agency procedures, and judicial review to vindicate discrimination, retaliation, accommodation, and FMLA rights. Petitioner's rehearing petition expressly asked for reinstatement of claims under Title VII, the Rehabilitation Act to the extent reasonably related to exhausted EEO complaints, and the FMLA. The Court should grant certiorari to determine whether the lower courts' alleged failure to consider the full record, together with alleged docketing and exhibit-handling irregularities, deprived Petitioner of the meaningful review required by the Constitution and federal law.

IX. NEED FOR AN EXERCISE OF THIS COURTS SUPERVISORY

POWER: The District Court and Sixth Circuit Court action has far departed from the accepted and usual course of judicial proceedings or sectioned such a departure by lower courts.

A. Both district court and Appeal court released their decision to the public way before the judgement to harass the Petitioner:

Petitioner faced increased harassment and mocking, tailgating with words egg, duck and duck in the vehicle with mocking like crying, showing middle finger, pointing finger to head like shooting, action like cutting throats and much more to exploit paranoia and PTSD. Many times, petitioner had panic attacks and fear to go outside. Some employees of Costco passed derogatory comments and sign, customers or employees at, Walmart (Dec 3,2025) target (Dec 6,2025) engaged in various provocative actions, on December 8, 2025, the day before judgement Petitioner barely escaped from another accident setup.

B. Both courts issued judgement by violating petitioner's guaranteed constitutional rights, including access to court, access to legal documents, due process, opportunity to present evidence, equal protection etc

C. Destroyed court documents and personal computer prior to issuance of Judgement: Week before the circuit court judgement, around November 30, 2025, unknown hackers, destroyed my personal computer that had circuit court filings.

D. Sixth Circuit court refuse to docket the exhibits of rehearing en banc (App., *infra*, 003a-007a), after making several calls, they filed exhibits without document name (App., *infra*, 006a) and the again petitioner contacted the Program manager to fix it (App., *infra*, 007a) still the petition was filed at the end of the exhibits (App., *infra*, 008a-124a) cause an actual injury of denying petition for rehearing en banc.

E. District court also engage in mis docketing exhibit of objection to summary judgement, wrong filing, delayed filing cause an actual injury of dismissing the administratively exhausted meritorious claim with prejudice. The Docket history shows, the judgement of dismissal with prejudice (ECF 91) was docketed before docketing the Order on motion for sanctions (ECF 89) for willful misconduct and obstruction. (App., *infra*, 370a)

F. Suppression of favorable evidences and exhibits by District Court and Sixth Circuit using Mis-docketing of exhibits of objection to summary judgement, filing reply brief as sur-reply and defendant used the filing to threaten the petitioner, Improper filing of leave to amend after denial of reconsideration, refuse to file exhibits of petition of rehearing en banc violate the fairness and due process. In *Brady v. Maryland*, 373 U.S. 83 (1963), the Supreme Court recognized a due process violation where the prosecution suppresses favorable evidence. In *Strickler v. Greene*, 527 U.S. 263, 281-82 (1999), the Supreme Court described the Brady elements as favorable evidence, suppression by the government, and prejudice.

G. Summary judgment requires viewing evidence for the nonmovant: In *Matsushita Electric Industrial Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986), the Supreme Court held that evidence and reasonable inferences must be viewed in the light most favorable to the nonmoving party. In *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986), the Supreme Court held that summary judgment is improper if the evidence would allow a reasonable jury to return a verdict for the nonmoving party.

H. Court cannot weigh credibility at summary judgment: In *Anderson*, 477 U.S. at 248, the Supreme Court framed the inquiry as whether a reasonable jury could return a verdict for the nonmovant, not whether the judge believes the nonmovant's evidence.

I. Protective order against accessing injury records directly undermine summary judgement and affirmation on FMLA violation. The health condition accepted under FMLA were from reported work injuries and denying access to evidence violate the due process of law.

J. Summary judgement on FMLA also undermine rule of the Land, protected speech: The District court, in summary judgement accepted that the Agency can interfere and deny employees protected leave rights to retaliate against the employee who exercise their first amendment rights in the public employment.

K. Failed to apply appropriate pro se pleading standards, and consider record materials and false declaration that directly contradict record materials.

In *Erickson v. Pardus*, 551 U.S. 89, 94 (2007), the Supreme Court reaffirmed that a pro se complaint must be liberally construed and cannot be dismissed by applying an unduly demanding pleading standard.

L. Court must accept well-pleaded facts at dismissal stage: In *Ashcroft v. Iqbal*, 556 U.S. 662, 678–79 (2009), the Supreme Court held that a complaint must contain sufficient factual matter to state a plausible claim, but factual allegations—not legal conclusions—are entitled to an assumption of truth. In *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555, 570 (2007), the Supreme Court held that factual allegations must raise the right to relief above speculation and state a plausible claim.

M. Court may not dismiss merely because facts are unlikely: In *Denton v. Hernandez*, 504 U.S. 25, 33 (1992), the Supreme Court recognized that pro se allegations should be accepted unless they are clearly irrational or wholly incredible.

**DESTROYING MY LIFE AND LIBERTY BY VIOLATING THE
CONSTITUTION FOR REPORTING AN AGGRAVATED WORK-RELATED
INJURY.**

The congress established many guaranteed rights and benefits to protect civil service employees when they injured while performing the duties under OSHA (Occupational and Safety Health Administration), FECA (Federal Employment Compensation Act), OWCP (Office of Workers Compensation Program), FMLA

(Family Medical Leave Act), No Fear Act, Rehabilitation Act and much more.

These are Statutory Mandate for every federal Agency must follow.

In my situation, there is documented evidence of violating all these statutory mandates under FECA, OSHA, OWCP, FMLA without due process because I reported an aggravated work-injury to Depart of Labor against supervisor's direction. During entire EEO complaint process, Judicial complaint process, no one allowed me to present my side and cross check the evidences on false declaration over record evidences. I have followed all the administrative process established by the congress to get relief. But the Agency, EEO, DOL, OFO (Office of Federal Operations) violate the due process and arbitrarily dismiss the claims, complaints and benefits to deprive my life and liberty and then involved deep state to assassinate my family and relatives using weaponization of mass destruction.

The State attorney office, District Court, Sixth Circuit court, intentionally violated the constitution to hide the documented evidence of conspiracy that deprived my rights to redress and conspiracy to cause further harm for reporting aggravated work injury signed by postal service management and union after issuing pretextual removal notice for reporting work injury. I have brought many businesses to the Postal Service from the customers who contacted me to file the complaint against the service which no one did before in large scale while administrative process of this complaint was pending. The postal service adapted my ideas to train other agents and then interfere my ability to bring more

businesses and contacted some of the business owner that I brought the business from to reduce their initial agreement to lower deal to avoid my name get into million club that build for business agents and then cutoff such calls from my lists. It confirms that it is not about my performance or my loyalty to the Postal Service. They involved deep state to deny access to legal assistance and representation, and then deny access to compensations, suitable job, education, proper medical treatments, and then harassment, tail gating, cyberstalking, threaten to injure or kill using customized vehicle number plates, to isolate me from the world to cause fearful life where a normal human being may take their own life. When they were not successful, then they created several accidents to obstruct my judicial complaint process and now poisoned my family and relatives with faulty genes where the hospitals, insurance companies are already part of it and deny proper diagnosis and treatments to bring more severe harms to our families and children.

The integrity of my judicial process already been compromised through various obstructions, where a normal person wouldn't survive. While completing this petition for writ of Cert, my family and relatives have been injected with various faulty gene experiment kits to cause serious gene mutations without any evidence and then informing me through advanced psychological method to threaten and create mental stress where, law enforcement, health department, school authorities, parents of other kids, neighbors, employees of almost all community infrastructures are involved in harassments after my kids were

poisoned or has the knowledge of these cruelty towards my family only because I reported an aggravated work-injury to the Department of Labor (DOL) after my supervisor said not to. Some of the public harassments captured in the car Dash cam.

The public harassment not just limited to Michigan, when I am travelling through OHIO and some other states, deep state sharing my live tracking information to activate their members to intimidate and create fear with customized vehicle numberplates with threatening words or abbreviations while travelling.

Now the insurance doesn't cover the diagnostic cost for poisoning faulty gene / weaponization of gene therapy to prevent any deformities. I don't know what to do. Only my option left is to wait for the death because of the intentional constitutional violations by postal service management and union including Mike Hendren, (Union Steward), David Staller (Supervisor), Dennis Kennedy (Postmaster), Mickael Brown (Maintenance Manager), Charmain Austin (Supervisor), Derrel Summerville (Supervisor), Destiny Robinson(Supervisor), Cheryl Blair (Staffing Specialist), Nicole Early (Area Coordinator) Alfreed Washington (Manager), Richelle Jones (Manager), Gwen Barnes (Supervisor) and many departmental officials who denied my benefits, claims, compensation without due process and equal protection to deprive my right to have life, pursue happiness and liberty.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant the petition for a writ of certiorari, review the judgment of the United States Court of Appeals for the Sixth Circuit in Case No. 24-2101, vacate the judgment below, and remand for further proceedings under the proper legal standards. Conduct a judicial inquiry on how the system treats and involve deep state against the complainant for pursuing discrimination complaints on intentional discrimination. An order directing Department of Justice to investigate on weaponization of Gene therapy technic against my family and relatives with immediate reversal and recovery to avoid further harm. An order directing to the Agencies to follow due process and equal protection in all areas of their administrative proceeding as they made auth to the constitution. The petitioner further requests legal assistance for further proceeding because of diminishing memory and other health issue caused from weaponization of personalized bioweapons, front pay to meet my life expenses and any other relief this Court deems just and appropriate.

Respectfully submitted,



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