

26-5015
No. _____

ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES FILED

JUN 23 2026

OFFICE OF THE CLERK
SUPREME COURT, U.S.

MITCHELL CROCKER,

Petitioner,

v.

CENTERPOINT ENERGY,

Respondent.

Motion for leave to proceed IFP and affidavit attached; filed in district court and on appeal (Appendix I-1).

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

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether the Fifth Circuit violated the Due Process and Equal Protection principles articulated in *Swenson v. Bosler*, *Griffin v. Illinois*, and *Mayer v. Chicago* by affirming summary judgment while Petitioner—an indigent, pro se litigant—was denied access to the transcript and record necessary for meaningful appellate review.

2. Whether a federal judgment may stand when it was procured through admitted false sworn statements, including a fabricated termination date and an impossible lawsuit filing date, in violation of Rule 11(b)(3), Rule 56(c)(4), and the Due Process Clause.

3. Whether the district court erred by refusing to consider a final Texas Workforce Commission Appeal Tribunal decision finding no misconduct—evidence that Fifth Circuit precedent requires courts to treat as probative of pretext under *McInnis v. Alamo Community College District*.

4. Whether fraud on the court under Rule 60(d)(3) requires relief where the record contains perjury, fabricated dates, hearsay, double hearsay, and declarations lacking personal knowledge, contrary to this Court's decisions in *Hazel-Atlas Glass Co. v. Hartford-Empire Co.* and *Rozier v. Ford Motor Co.*.

Jurisdictional basis: This petition invokes this Court's jurisdiction under 28 U.S.C. § 1254(1) because the Fifth Circuit's March 25, 2026 judgment (Appendix A-1) affirms a federal-question dismissal that raises recurring constitutional and procedural issues of national importance.

LIST OF PARTIES, CORPORATE DISCLOSURE STATEMENT, AND RELATED CASES

A. LIST OF PARTIES

Petitioner: Mitchell Crocker, plaintiff in the United States District Court for the Southern District of Texas and appellant in the United States Court of Appeals for the Fifth Circuit. Petitioner, indigent, appears pro se.

Respondent: CenterPoint Energy, defendant in the United States District Court for the Southern District of Texas and appellee in the United States Court of Appeals for the Fifth Circuit.

No other parties appeared below.

B. CORPORATE DISCLOSURE STATEMENT (Rule 29.6)

CenterPoint Energy, Inc. (NYSE: CNP). No parent corporation; no publicly held corporation owns 10% or more of its stock..

C. RELATED CASES (Rule 14.1(b)(iii))

1. **Crocker v. CenterPoint Energy**, No. 4:24-cv-01051 (S.D. Tex.).
Final judgment entered July 9, 2025. (Appendix B-2)
2. **Crocker v. CenterPoint Energy**, No. 25-20323 (5th Cir.). Judgment entered March 25, 2026; mandate issued April 15, 2026. (App. A-1)
3. **Crocker v. CenterPoint Energy**, Cause No. 2024-02605, 281st Judicial District Court of Harris County, Texas (Filed January 16, 2024). (Appendix J-1)

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The pertinent text of these provisions is reproduced verbatim in Appendix E-1.	

OPINIONS BELOW

The opinion of the United States Court of Appeals for the Fifth Circuit, issued on March 25, 2026, appears at Appendix A. See Appendix A-1.

The opinion and final judgment of the United States District Court for the Southern District of Texas, entered July 9, 2025, appears at Appendix B. See Appendix B-1; B-2.

The district court's post-judgment minute entry administratively closing the case on May 13, 2026—entered without notice to Petitioner—appears at Appendix C. See Appendix C-1.

The Texas Workforce Commission Appeal Tribunal's final decision in Appeal No. 3573441-1-1 (2023), finding no misconduct, appears at Appendix D. See Appendix D-1.

The Fifth Circuit's May 4, 2026 order denying Petitioner's Motion to Recall the Mandate, Motion to Vacate Opinion, and Motion for Evidentiary Hearing appears at Appendix H. See Appendix H-1.

“Additional orders: The district court's denial of transcript funding (Sept. 2, 2025) appears at Appendix L-1; the Fifth Circuit's denial of transcript funding (Mar. 4, 2026) appears at Appendix L-2; the Fifth Circuit's PACER fee-waiver order and subsequent rescission appear at Appendix K-2 and Appendix K-3, respectively.”

JURISDICTION

The judgment of the United States Court of Appeals for the Fifth Circuit was entered on March 25, 2026. No petition for rehearing was filed. The mandate issued on April 15, 2026.

This petition is timely under 28 U.S.C. § 2101(c), which provides a 90-day period for filing a petition for a writ of certiorari.

This Court has jurisdiction under 28 U.S.C. § 1254(1).

CONSTITUTIONAL, STATUTORY, AND RULE PROVISIONS INVOLVED

The following provisions are involved in this case:

- U.S. Constitution Amendment V
- U.S. Constitution Amendment XIV
- 28 U.S.C. § 753(f)
- 28 U.S.C. §1254(1)
- 28 U.S.C. § 1651
- 28 U.S.C. §2101(c)
- Supreme Court Rule 10
- Supreme Court Rule 14
- Supreme Court Rule 29
- Supreme Court Rule 33.2
- Supreme Court Rule 39
- Federal Rule of Appellate Procedure 10
- Federal Rule of Appellate Procedure 11
- Federal Rule of Appellate Procedure 12.1
- Federal Rule of Civil Procedure 11(b)(3)
- Federal Rule of Civil Procedure 56(c)(4)
- Federal Rule of Civil Procedure 60(b)(3)
- Federal Rule of Civil Procedure 60(d)(3)
- Federal Rule of Evidence 602
- Federal Rule of Evidence 802

- Federal Rule of Evidence 803(6)
- Texas Defamation Law
- Texas Labor Code § 21.055
- Texas Labor Code § 213.008
- Texas Labor Code §214.003
- Texas Penal Code § 37.10
- Texas Recordkeeping and Personnel File Requirements
- Texas Workforce Commission Statutes and Regulations

The text of these provisions appears in Appendix E.

See Appendix E-1 for the full text.

STATEMENT OF THE CASE

A. Employment Background and Termination

Petitioner worked for Respondent for more than a decade. Respondent terminated Petitioner's employment on March 15, 2023. In its summary-judgment filings, Respondent asserted that Petitioner was terminated on March 7, 2023. Respondent later admitted in its Fifth Circuit brief that this date was false, describing it as an "inadvertent scrivener's error," and conceding that the correct termination date was March 15, 2023. See Appendix F-13. That concession is outcome-determinative because it restores a 13-day proximity between Petitioner's March 2, 2023 protected EEOC inquiry and his termination.

Respondent produced no contemporaneous business record supporting the asserted March 7 date. There is no termination form, HR separation record, system entry, email, timestamp, or documentation of any kind reflecting a March 7 termination. Every official record—including the Texas Workforce Commission Appeal Tribunal decision—identifies March 15, 2023 as the actual termination date. Respondent has offered different explanations for Petitioner's termination in different forums.

1. Reasons Asserted in the Federal Summary-Judgment Record

In its Motion for Summary Judgment, Respondent asserted that Petitioner was terminated because he:

- failed to meet the expectations of a Performance Improvement Plan (PIP),

- had attendance and tardiness issues,
- failed to maintain required performance standards, and
- received a customer survey score below the target threshold.

Respondent's evidentiary basis for summary judgment rested on declarations from Rachel Bigelow and Kate Porter regarding Petitioner's performance. However, the only supervisor with contemporaneous personal knowledge of Petitioner's performance, Alexander Barrie, left the company on February 23, 2023. Consequently, the declarations of Bigelow and Porter concerning Petitioner's daily performance during the critical three-week window preceding his March 15 termination constitute inadmissible hearsay lacking personal knowledge under Rule 56(c)(4) and Rule 602.

2. Reasons Asserted to the Texas Workforce Commission

In the unemployment benefits proceedings, Respondent asserted different reasons for termination. The Texas Workforce Commission Appeal Tribunal found that Respondent alleged:

- errors in surveys made by the crew of which Petitioner was a member,
- that Petitioner drove in an erratic manner, and
- that Petitioner reported to work under the influence of alcohol or some other drug.

The Appeal Tribunal found no direct evidence supporting any of these allegations and concluded that Petitioner "performed the work to the best of his ability at all

times” and that the employer “presented no direct evidence in support of an allegation of misconduct.” See Appendix D-1.

B. Texas Workforce Commission Findings

After a full evidentiary hearing, the Texas Workforce Commission Appeal Tribunal found that Petitioner performed his work “to the best of his ability,” that Respondent presented no direct evidence of misconduct, and that the discharge was not for misconduct. The district court did not consider these findings.

C. Summary Judgment Proceedings

During the summary-judgment phase, the district court relied on declarations that contained hearsay, double hearsay, statements not based on personal knowledge, and factual assertions later shown to be incorrect. See Appendix F-3 and F-7. Federal Rule of Civil Procedure 56(c)(4) requires that summary-judgment declarations be made on personal knowledge and set out facts admissible in evidence; the Fifth Circuit has held that summary judgment cannot rest on affidavits lacking personal knowledge. See *McInnis v. Alamo Community College District*, 207 F.3d 276, 282 (5th Cir. 2000).

Respondent’s Motion for Summary Judgment also asserted as a factual matter that Petitioner filed this lawsuit on January 15, 2023. That assertion is objectively impossible: Petitioner remained employed on that date, and the EEOC issued the mandatory “Notice of Right to Sue” on October 20, 2023 (Appendix F-12), with the actual federal filing occurring on January 16, 2024. See Appendix J-1. Presenting a

knowingly false filing date violates Rule 11(b)(3), which prohibits factual contentions lacking evidentiary support. The use of a fabricated date to obtain judgment also implicates the doctrine of fraud on the court, as defined in *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944), and applied in *Rozier v. Ford Motor Co.*, 573 F.2d 1332 (5th Cir. 1978).

Respondent also submitted materially false statements to the Texas Workforce Commission during the unemployment proceedings, including allegations of erratic driving, intoxication, and survey errors. The Texas Workforce Commission expressly rejected these allegations after a full evidentiary hearing, finding no evidence of misconduct. See Appendix D-1. Submitting false information to a state agency violates Texas Labor Code §214.003, and repurposing those statements in federal litigation raises concerns under *Hazel-Atlas* and *Rozier*, which hold that fabricated or knowingly false evidence used to influence a judicial outcome constitutes fraud on the court. See Appendix E-1.

The Performance Improvement Plan (“PIP”) relied upon by Respondent was signed only by Petitioner and his direct supervisor, Alexander Barrie. No version of the PIP contains the name, signature, or acknowledgment of either Rachel Bigelow or Kate Porter. See Appendix F-5. Respondent produced no coaching records, attendance logs, performance checks, or contemporaneous documentation bearing their names. Under Rule 56(c)(4) and *McInnis*, declarations from individuals lacking personal knowledge cannot support summary judgment.

Throughout the district-court proceedings, Respondent repeatedly represented under oath that Petitioner was terminated on March 7, 2023. See Appendix F-3. In its Fifth Circuit brief, Respondent admitted this date was false, characterizing it as an “inadvertent scrivener’s error” and conceding the actual termination date was March 15, 2023. See Appendix F-13. This discrepancy was material because the incorrect date eliminated the 13-day temporal proximity between Petitioner’s March 2, 2023 protected EEOC activity and his discharge—evidence central to a retaliation claim. The Fifth Circuit has held that misrepresentations affecting the evidentiary foundation of a judgment may constitute fraud on the court. *Rozier*, 573 F.2d at 1338.

Respondent produced no performance records, attendance documentation, coaching notes, emails, or supervisory communications for the period between February 23, 2023—the date Petitioner’s supervisor, Alexander Barrie, left the company—and Petitioner’s termination on March 15, 2023. The summary-judgment record therefore contains no contemporaneous evidence regarding Petitioner’s performance during this 20-day period, despite Respondent’s declarations asserting continued deficiencies. See Appendix F-3 and F-7. Summary judgment entered under these circumstances—particularly where the court relied on unsupported assertions and factual inaccuracies—raises concerns under Rule 56 and the Fifth Circuit’s prohibition on sua sponte summary judgment without proper notice and an opportunity to respond. See Appendix F-14. See *McInnis*, 207 F.3d at 279–80.

D. Denial of Transcript and Record Access

Petitioner, indigent and pro se, was denied access to the June 6, 2025 hearing transcript and denied PACER access due to indigence. Petitioner could not verify the record used to affirm the judgment. Notably, the Fifth Circuit initially granted Petitioner a PACER fee waiver for this appeal, but that waiver was later rescinded by the Fifth Circuit, leaving Petitioner without electronic access despite the temporary grant. Notably, the Fifth Circuit initially granted Petitioner a PACER fee waiver for this appeal, but that waiver was later rescinded by the Fifth Circuit, leaving Petitioner without electronic access despite the temporary grant. See Appendix K-2 and K-3.

After the district court denied funding for the June 6, 2025 hearing transcript, Petitioner sought review in the Fifth Circuit. On March 4, 2026, the Fifth Circuit denied the request for a transcript at government expense, concluding that Petitioner had not shown the transcript was necessary for appellate review. The transcript remains unavailable, and Petitioner has never been provided access to the verbatim record of the district court's sua sponte summary-judgment proceedings. See Appendix H-1 and K-1.

Rule 56 notice issue: The district court's sua sponte consideration of the retaliation claim required reasonable notice and an opportunity to respond under Fed. R. Civ. P. 56(f); the absence of a verbatim transcript (June 6, 2025) prevents verification whether the court provided the constitutionally required notice. See Appendix F-14.

Timeline: Petitioner filed a district-court transcript request (Aug. 29, 2025); the district court denied funding (Sept. 2, 2025) (Appendix L-1); Petitioner sought relief in the Fifth Circuit and the court denied transcript funding (Mar. 4, 2026) (Appendix L-2). Meanwhile, the Fifth Circuit briefly granted a PACER fee waiver (Appendix K-2) that was later rescinded (Appendix K-3), leaving Petitioner without reliable electronic access to the record.

E. Post-Judgment Proceedings and Lack of Notice

On May 12, 2026, Petitioner filed an Omnibus Motion for Relief under Rule 60(b)(3) and Rule 60(d)(3). See Appendix E-1 and F-1. The next day, May 13, 2026, the district court entered a minute order stating that ‘no further action will be taken’ and administratively closed the case. See Appendix C-1. This order was never served on Petitioner. Because the minute entry closing the case was not served on Petitioner, he remained unaware that his Supplemental Notice of Rule 60 filings (Docs. 82 and 82-1) had been docketed, effectively foreclosing his opportunity to supplement or pursue relief before the court administratively closed the matter. See Appendix G-1 and G-2.

This filing was docketed as Document 82 and Document 82-1. Because the district court had administratively closed the case on May 13, 2026 without serving Petitioner, Petitioner received no notice that the filing had been received or docketed. That failure to serve a post-judgment administrative closure deprived Petitioner of notice necessary to pursue his pending Rule 60 filings and constitutes a procedural defect warranting review.

F. Fifth Circuit Proceedings

The Fifth Circuit affirmed the district court's judgment on March 25, 2026. See Appendix A-1. The court did not address the transcript denial, record-access issues, or allegations of fraud on the court. After the mandate was issued, Petitioner filed motions to recall the mandate, vacate the opinion, and order an evidentiary hearing to correct the record. On May 4, 2026, the Fifth Circuit denied all three motions (Appendix H-1), without addressing the transcript denial or the fraud-on-the-court allegations.

G. Supplemental Newly Discovered Evidence

On June 9, 2026, Petitioner filed a Supplemental Notice of Newly Discovered Evidence. The filing included Petitioner's Texas DPS TOPS Level-II Security License, issued after a state and federal fingerprint-based background check, drug-related disqualification review, and reliability assessment. See Appendix G-1 and G-2. Texas DPS regulations prohibit issuance of such a license to individuals with disqualifying conduct. This evidence corroborates the Texas Workforce Commission's finding of no misconduct and contradicts Respondent's allegations. The district court has not ruled on this filing.

Nexus to pretext: The Texas DPS TOPS Level-II license (Appendix G-2), issued after fingerprint and drug-screen reliability checks, corroborates the Texas Workforce Commission's finding of no misconduct (Appendix D-1) and directly

undermines Respondent's asserted misconduct rationales used to justify termination.

REASONS FOR GRANTING THE PETITION

The petition should be granted because this case presents multiple, independent grounds for certiorari under Rule 10. See Appendix E-1 . The judgment below rests on a corrupted record, admitted false sworn statements, structural due-process violations, and a departure from accepted judicial procedure. The issues presented are of national importance and recur frequently for indigent and pro se litigants.

I. The Fifth Circuit's Decision Conflicts With This Court's Precedents on Access to the Record and Meaningful Appellate Review

Controlling precedent: This Court's decisions in *Griffin v. Illinois*, *Mayer v. Chicago*, and *Swenson v. Bosler* require that indigent litigants be afforded the basic tools for meaningful appellate review; affirmance of a summary-judgment dismissal while Petitioner lacked transcript and PACER access conflicts with those precedents and raises a recurring national question about wealth-based barriers to appellate review.

This Court has long held that indigent litigants must be provided the basic tools necessary for meaningful appellate review. *Griffin v. Illinois*, 351 U.S. 12 (1956); *Mayer v. Chicago*, 404 U.S. 189 (1971); *Swenson v. Bosler*, 386 U.S. 258 (1967). These decisions establish that:

- a litigant cannot be denied access to the record based on inability to pay,
- a transcript or equivalent record is essential for meaningful review, and

- appellate courts may not affirm judgments based on materials the appellant cannot access.

Petitioner was denied:

- the June 6, 2025 hearing transcript,
- access to PACER due to indigence,
- access to the record used to affirm the judgment, and
- notice that the district court had closed the case.

This access problem was compounded by inconsistent appellate action: the Fifth Circuit's temporary fee-waiver order (Appendix K-2) acknowledged Petitioner's indigent status, but the subsequent rescission of that waiver (Appendix K-3) and the denial of transcript funding (Appendix L-2) left Petitioner unable to obtain the verbatim record necessary to vindicate the *Griffin*, *Mayer*, and *Swenson* line of authority.

The Fifth Circuit affirmed summary judgment despite these barriers. See Appendix A-1. This conflicts directly with *Griffin*, *Mayer*, and *Swenson*, which prohibit wealth-based barriers to appellate review.

The Fifth Circuit compounded the denial of access by refusing to authorize production of the June 6, 2025 hearing transcript, despite acknowledging that Petitioner was proceeding in forma pauperis. See Appendix H-1. Without the transcript, Petitioner could not challenge the district court's sua sponte summary-judgment procedure or verify the factual basis for the ruling. This Court

has held that meaningful appellate review requires access to the record, and appellate courts may not affirm judgments based on materials unavailable to the appellant.

II. The Judgment Rests on Admitted False Sworn Statements and Fabricated Facts, Triggering *Hazel-Atlas* and *Rozier*

Record evidence of falsity: Respondent's concession that the March 7, 2023 termination date was a 'scrivener's error' (Appendix F-13) and the contradictory dates in the record (Appendix J-1 and D-1) present the kind of deliberate misrepresentation that this Court condemned in *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, and which Fifth Circuit precedent in *Rozier* recognizes as warranting corrective relief.

Respondent admitted that its sworn declaration falsely stated that Petitioner was terminated on March 7, 2023. Respondent's appellate brief expressly characterizes the March 7 date as an "inadvertent scrivener's error," thereby conceding the falsity of a material sworn fact relied upon below; that concession appears in Respondent's Fifth Circuit brief and is reflected in the record excerpted in Appendix F-13. Respondent also asserted that Petitioner filed this lawsuit on January 15, 2023—months before the EEOC issued the Right-to-Sue letter. These assertions were:

- material,
- outcome-determinative,

- sworn under penalty of perjury, and
- later conceded to be false.

This Court has held that judgments obtained through fraud on the court cannot stand. *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944). The Fifth Circuit has applied this principle in *Rozier v. Ford Motor Co.*, 573 F.2d 1332 (5th Cir. 1978). The Fifth Circuit’s refusal to correct the record or order an evidentiary hearing conflicts with these precedents.

Respondent’s misconduct extends beyond false statements in federal court. Respondent submitted false allegations to the Texas Workforce Commission—an official state agency—asserting misconduct for which the Texas Workforce Commission found “no direct evidence” and expressly held that Petitioner “performed the work to the best of his ability at all times.” False statements to a state agency constitute independent violations of Texas law and further demonstrate a pattern of misrepresentation relevant to fraud-on-the-court analysis. See Appendix D-1.

Respondent’s declarants—Bigelow and Porter—claimed personal knowledge of performance issues despite the absence of any documentation bearing their names, signatures, or involvement. The PIP was signed only by Barrie and Petitioner. After Barrie left the company on February 23, 2023, Respondent produced no evidence whatsoever of performance monitoring, attendance tracking, coaching, or communication.

The absence of any documentation for the period February 23–March 15, 2023, combined with sworn declarations asserting continued deficiencies, constitutes the type of fabricated factual narrative condemned in *Hazel-Atlas* and *Rozier*.

III. The District Court's Failure to Serve the Post-Judgment Minute Entry Violated Due Process and Prevented Petitioner From Supplementing a Pending Rule 60(d)(3) Motion

Despite Petitioner's indigent status, he was denied access to the June 6, 2025, hearing transcript—the only verbatim record of the district court's sua sponte consideration of his retaliation claim. Furthermore, Petitioner's persistent account disability due to a \$57.30 PACER arrearage functioned as a wealth-based barrier that prevented him from verifying the electronic record used to affirm the judgment against him. This structural defect violates the Due Process and Equal Protection principles established in *Griffin v. Illinois* and *Mayer v. Chicago*

The district court's failure to provide notice is a structural due-process violation. See *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950).

The Fifth Circuit's refusal to address this defect warrants review.

Legal consequence: Failure to serve the post-judgment minute entry (Appendix C-1) prevented Petitioner from supplementing or litigating his Rule 60(d)(3) motion (Appendix G-1) and thus created a procedural bar to meaningful review that this Court's supervisory power should correct.

IV. The Fifth Circuit Departed From Accepted Judicial Procedure by Affirming Summary Judgment Based on Inadmissible Evidence

Evidentiary defect: The summary-judgment record relies on declarations lacking personal knowledge and hearsay (Appendix F-3 and F-7), contrary to Federal Rule of Civil Procedure 56(c)(4) and the requirement that summary judgment rest on competent evidence (*Celotex Corp. v. Catrett*).

Summary judgment may not rest on:

- hearsay,
- double hearsay,
- statements lacking personal knowledge, or
- declarations that contradict the record.

Federal Rule of Civil Procedure 56(c)(4); Federal Rules of Evidence 602, 802. See Appendix E-1.

Respondent's declarants lacked personal knowledge of Petitioner's performance during the relevant period. The only manager with contemporaneous knowledge provided no declaration. The Fifth Circuit affirmed summary judgment despite these defects, contrary to *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986), and Fifth Circuit precedent requiring competent, admissible evidence.

This constitutes a departure from accepted judicial procedure under Rule 10(a). See Appendix E-1.

**V. The Lower Courts Ignored a Final State Administrative Decision
Finding No Misconduct, Contrary to *McInnis***

Administrative finding: The Texas Workforce Commission Appeal Tribunal's final decision (Appendix D-1) that Petitioner 'performed the work to the best of his ability' is probative of pretext and was not considered by the district court or the Fifth Circuit, contrary to *McInnis v. Alamo Community College District*.

The Texas Workforce Commission Appeal Tribunal found:

- no misconduct,
- no direct evidence supporting Respondent's allegations, and
- that Petitioner performed his work "to the best of his ability."

This Court has recognized that administrative findings may be probative of pretext. The Fifth Circuit has held that such findings cannot be ignored. *McInnis v. Alamo Community College District*, 207 F.3d 276 (5th Cir. 2000). See Appendix D-1.

The district court did not consider the Texas Workforce Commission decision. The Fifth Circuit affirmed without addressing it. This conflicts with *McInnis* and warrants review.

**VI. The Fifth Circuit's Refusal to Recall the Mandate or Order an
Evidentiary Hearing Conflicts With Calderon**

A court may recall its mandate to prevent a miscarriage of justice. See Appendix A-1 (opinion and mandate). *Calderon v. Thompson*, 523 U.S. 538 (1998). Petitioner presented:

- admitted false sworn statements,
- fabricated dates,
- a corrupted summary-judgment record,
- denial of transcript access,
- denial of PACER access, and
- lack of notice of the district court's closure.

The Fifth Circuit denied all relief without addressing these issues. This conflicts with *Calderon* and warrants review. See Appendix H-1.

Relief requested: Given the admitted falsity in the record, the transcript and PACER access denials, and the unserved administrative closure, Petitioner respectfully asks this Court to grant certiorari to consider whether the Fifth Circuit should have recalled its mandate or ordered an evidentiary hearing under *Calderon v. Thompson* to prevent a miscarriage of justice.

VII. The Issues Presented Are of National Importance

Rule-of-law question: Whether an appellate court may affirm a merits dismissal when the appellant, proceeding IFP, was denied both the verbatim transcript of critical proceedings and reliable electronic access to the record—thereby creating a wealth-based barrier to appellate review—presents a recurring national question warranting this Court's review.

This case raises recurring questions affecting indigent and pro se litigants nationwide:

- Can a court close a case without notice and then refuse to docket filings?
- Can a judgment stand when based on admitted false sworn statements?
- Can an appellate court affirm summary judgment when the appellant cannot access the record?
- Can a district court ignore a final state administrative finding of no misconduct?
- Can a court refuse to adjudicate a pending Rule 60(d)(3) motion alleging fraud on the court?

These questions implicate the integrity of the judicial process and the constitutional right to meaningful review.

CONCLUSION

The judgment below rests on admitted false sworn statements, fabricated dates, inadmissible evidence, denial of transcript and record access, lack of notice of the district court's administrative closure, and the refusal of both lower courts to address a pending Rule 60(d)(3) motion alleging fraud on the court. These defects implicate fundamental due-process principles and conflict with this Court's precedents in *Griffin*, *Mayer*, *Swenson*, *Hazel-Atlas*, *Rozier*, and *Calderon*.

Accordingly, Petitioner asks this Court to consider relief tailored to restore meaningful access to the record (including vacatur and remand for an evidentiary hearing or other appropriate relief) in light of the admitted false sworn statements, the denial and subsequent rescission of PACER access, and the denial of transcript funding; see *Calderon v. Thompson* and Appendices H, K-2, K-3, and L-2.

The petition presents recurring issues of national importance affecting indigent and pro se litigants and warrants this Court's review.

For these reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted,

/s/ Mitchell Crocker
Mitchell Crocker
Petitioner, pro se

Date: June 23, 2026