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No. _____

Supreme Court, U.S.
FILED

JUN - 8 2026

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

KEITH ROGERS, Petitioner,

v.

UNITED STATES, Respondent.

On Petition for a Writ of Certiorari to the District of Columbia
Court of

Appeals

PETITION FOR WRIT OF CERTIORARI TO
DISTRICT OF COLUMBIA COURT OF APPEALS

Keith Rogers
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Petitioner, Pro Se

QUESTIONS PRESENTED

1. Whether the Due Process Clause of the Fifth Amendment prohibits an Appellate court from imposing a pre-filing injunction without specific Findings of abusive litigation and without notice or opportunity to be heard?
2. Whether the constitutional right of access to the courts, as recognized in *Bounds v. Smith*, 430 U.S. 817 (1977), and *Tennessee v. Lane*, 514 U.S. 509 (2004), extends to pro se litigants subject to filing restrictions in the District of Columbia courts.

LIST OF PARTIES

[X] All parties appear in the caption of the case on the cover page.

Keith Rogers, Petitioner
United States, Respondent

RELATED CASES

There are no related cases.

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STATUTES AND RULES

OTHER

IN THE SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

☒ For cases from state courts:

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

☐ is unpublished.

JURISDICTION

☒ For cases from state courts:

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

☐ A timely petition for rehearing was thereafter denied on the following date: March 10, 2026 And a copy of the Order denying rehearing appears at Appendix C.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Fifth Amendment to the Constitution.

STATEMENT OF THE CASE

Petitioner, proceeding pro se, filed several motions seeking judicial review of prior proceedings. The D.C. Court of Appeals issued a showcause order restricting further filings without prior leave. The

order contained no findings of frivolousness or abuse and provided no opportunity for Petitioner to respond before its entry. The Court of Appeals affirmed without opinion. Petitioner contends that the order violates his constitutional right of access to the courts and the procedural safeguards required before imposing filing restrictions.

REASONS FOR GRANTING THE PETITION

The right of access to the courts is fundamental. *Bounds v. Smith*, 430 U.S. 817 (1977); *Tennessee v. Lane*, 541 U.S. 509 (2004). The D.C. Circuit has held that restrictions on filings must be narrowly tailored and supported by specific findings. *In re Green*, 669 F.2d 779 (D.C. Cir. 1981); *Urban v. United Nations*, 768 F.2d 1497 (D.C. Cir. 1985). Other circuits agree that pre-filing injunctions require notice, opportunity to be heard, and explicit findings of abuse. *Safir v. U.S. Lines, Inc.*, 792 F.2d 19 (2d Cir. 1986); *Cromer v. Kraft Foods N. Am., Inc.*, 390 F.3d 812 (4th Cir. 2004).

The lower courts disregarded these precedents. The show-cause order lacks factual findings, was entered without hearing, and imposes a blanket restriction on Petitioner's filings. Such an order violates the Due Process Clause and the First Amendment right to petition. This case presents an important question of federal law concerning procedural safeguards for pro se litigants and the constitutional limits of filing restrictions.

BACKGROUND

Mr. Rogers was found guilty by a jury of first-degree murder while armed and other related offenses in 1992. The Honorable Judge

Richter sentenced Mr. Rogers to a total of thirty years to life in prison. His conviction was affirmed on appeal. *Keith Rogers v. United States*, No. 10-CO-1037 (D.C. June 30, 2011).

Mr. Rogers subsequently filed various post-conviction motions collaterally attacking his conviction. The decisions denying those motions were appealed and affirmed in many instances by the D.C. Court of Appeals. After several losses, the D.C. Court of Appeals issued an order directing Mr. Rogers to seek prior leave before filing any further appeals. See *Keith Rogers v. United States*, No. 12-CO341, slip op. at 1 (D.C. Nov. 9, 2021).

On April 18, 2025, Mr. Rogers filed a Petition for Writ of Error Coram Nobis in the D.C. Superior Court after his release from prison in 2020. The petition was denied. Mr. Rogers then filed a motion for reconsideration on or about May 7, 2025, which the Superior Court denied on June 4, 2025.

Mr. Rogers filed a Notice of Appeal on or about June 9, 2025. He filed a Motion for Summary Reversal in the D.C. Court of Appeals on or about September 29, 2025 because the Superior Court's denial of the coram nobis petition was a clear-cut issue going against established D.C. Court of Appeals precedent. On November 7, 2025,

Mr. Rogers filed a Motion to Treat Appellee's Failure to Respond to his Motion for Summary Reversal as a Concession.

On January 29, 2026, the D.C. Court of Appeals issued a Show Cause Order directing Mr. Rogers to show cause why his appeal should not be dismissed for failing to request permission pursuant to the 2012 order requiring him to seek leave before filing any pro se appeal. Mr. Rogers filed his response on February 20, 2026. The D.C. Court of Appeals dismissed the appeal the same day. Mr. Rogers filed a Motion for Reconsideration, which the Court of Appeals construed as a petition for rehearing. The court denied the motion on March 10, 2026. The mandate issued on March 16, 2026.

ARGUMENT

I. THE RIGHT OF ACCESS TO THE COURTS IS CONSTITUTIONALLY PROTECTED

This Court has long recognized that meaningful access to the courts is essential to due process. *Bounds*, 430 U.S. at 821; *Lane*, 541 U.S. at 523. The D.C. Circuit in *In re Green* held that even repetitive filings cannot justify blanket prohibitions absent clear evidence of abuse and narrowly drawn restrictions. *Urban v. United Nations* reaffirmed that limitations must be the least restrictive means necessary to protect judicial efficiency. The D.C. Court of Appeal's

Show Cause Order, entered without findings or hearing, fails these constitutional standards.

II. PRE-FILING INJUNCTIONS REQUIRE SPECIFIC FINDINGS AND PROCEDURAL SAFEGUARDS

The decision below conflicts with this Court's due-process jurisprudence because the pre-filing injunction was imposed without notice, without a hearing, and without specific findings of abusive litigation. This Court has repeatedly held that before restricting a litigant's access to the courts, the government must provide notice and an opportunity to be heard. See *Mathews v. Eldridge*, 424 U.S. 319 (1976); *Goss v. Lopez*, 419 U.S. 565 (1975). Federal courts uniformly require notice, opportunity to be heard, and explicit findings before imposing filing restrictions. *Tripati v. Beaman*, 878 F.2d 351 (10th Cir. 1989); *Safir*, 792 F.2d at 24; *Cromer*, 390 F.3d at 818-19. The absence of these safeguards renders the order void under the Due Process Clause.

Here, the D.C. Court of Appeals issued a blanket filing restriction sua sponte, without identifying any specific frivolous filings, without explaining why lesser sanctions were inadequate, and without affording Petitioner an opportunity to contest the restriction.

This violates the core procedural protections guaranteed by the Fifth Amendment.

III. THE BLANKET RESTRICTION IMPOSED BELOW VIOLATES FUNDAMENTAL RIGHTS

The order's breadth-prohibiting all filings without leave-chills Petitioner's right to petition for redress. It is not narrowly tailored and lacks any factual predicate. In *re Green*, 669 F.2d 779 (D.C. Cir. 1981) and *Safir v. U.S. Lines, Inc.*, 792 F.2d 19 (2d Cir. 1986) such an injunction cannot stand. Federal courts uniformly require four findings before imposing a pre-filing injunction:

1. Notice and opportunity to be heard;
2. A record of abusive filings;
3. Substantive findings that the filings were frivolous or harassing;
- and
4. Narrow tailoring.

See *De Long v. Hennessy*, 912 F.2d 1144 (9th Cir. 1990); *Cromer v. Kraft Foods*, 390 F.3d 812 (4th Cir. 2004); *Tripati v. Beaman*, 878 F.2d 351 (10th Cir. 1989). The D.C. Court of Appeals made none of these findings. Instead, it imposed a broad, categorical ban on Petitioner's filings, without identifying any specific abusive conduct and without tailoring the restriction to the alleged problem. This

creates a direct conflict among jurisdictions, warranting this Court's review. The D.C.

Court of Appeals' blanket filing restriction effectively bars Petitioner from initiating any appeal, even meritorious ones, unless he first obtains permission from the same court that imposed the restriction. This is the functional equivalent of a prior restraint on court access—a mechanism this Court has never approved.

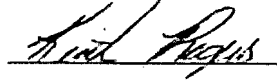
By conditioning access on discretionary gatekeeping, the decision below burdens a fundamental right without any compelling justification. The filing restriction imposed below is also vague, because it fails to specify what conduct triggered the restriction; what filings are prohibited; and what standards govern permission to file. It is also overbroad, because it applies to all future filings, regardless of subject matter, merit, or relevance.

This Court has repeatedly invalidated restrictions that lack clear standards or sweep too broadly. See *City of Chicago, v. Morales*, 527 U.S. 41 (1999); *Grayned v. City of Rockford*, 408 U.S. 104 (1972). The order below provides no guidance and no limiting principle, leaving Petitioner's constitutional rights dependent on unfettered judicial discretion.

CONCLUSION

The Petition for a writ of certiorari should be granted.

Respectfully submitted,



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