No. 26-6087

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SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Dr. Darrell L. Whitman, PETITIONER

vs.

United States District Court for the District of Colorado, et al. USCA, et al., No. 26-1094 -

RESPONDENTS

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITD STATS TENTH CIRCUIT COURT OF APPEALS

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Did the 10th Circuit Court of Appeals violate Petitioner's Constitutional ***right*** to bring a grievance to government [**Const. Amend I**] and Petitioner's Constitutional ***right*** to due process of law [**Const. Amend. V**], authorized as a ***right*** to judicial review by the Administrative Procedures Act [**5 U.S.C., §§701-706**], when the court denied a hearing of Petitioner's Writ of Mandamus in which Petitioner petitioned for judicial review of agency actions that caused Petitioner to suffer legal wrong/and adverse effects within the meaning of relevant statutes?
2. Did the 10th Circuit Court of Appeals' denial of hearing of Petitioner's Writ of Mandamus authorized as a ***right*** by the APA [**5 U.S.C., §702**], constitute an abuse of judicial discretion that so far departed from the accepted and usual course of judicial proceedings as to call for an exercise of this Court's supervisory power [**Rules of the Supreme Court, Rule 10(a)**]?
3. Did the 10th Circuit Court of Appeals denial hearing of Petitioner's Writ of Mandamus authorized by the **APA** [**5 U.S.C., §702**] decide an important question of federal law that was not but should be settled by this Court or decide an important federal question in a way that conflicts with relevant decisions of this Court. [**Rules of the Supreme Court, Rule 10(a)**]?
4. Is the denial of a petition for judicial review mandated by the **APA** [**5 U.S. Code, §§702-703**] an action of such great public interest it compels the grant of certiorari to protect the right of judicial review under the **APA** as an essential Constitutional ***substantive due process right*** requiring federal courts honor their duty to protect the Constitution's substantive Constitutional rights and separation of powers. [**Rules of the Supreme Court, Rule 10(a)**]?

LIST OF PARTIES

DR. DARRELL L. WHITMAN,
Petitioner.

DEPARTMENT OF LABOR,
Respondent.

LORI MICHELLE CHAVEZ-DEREMER, Secretary, U.S. Department of Labor,
Respondent.

PETE HEGSETH, Secretary of Defense,
Respondent.

JAMIESON GREER, Acting Special Counsel, U.S. Office of Special Counsel,
Respondent.

TAMMY HALL, Acting Chair, Council of Inspectors General on Integrity and Efficiency,
Respondent.

KASH PATEL, Director of the Federal Bureau of Investigation,
Respondent.

PAMALA, J. BONDI, United States Attorney General
Respondent.

There are no cases in other courts directly related to the case in this Court.

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OPINIONS BELOW

(Unpublished) Tenth Circuit Court of Appeals, In re: Dr. DARRELL L. WHITMAN, No. 26-1094, Denial of Hearing Writ of Mandamus, dated 06 April 2026, Appendix A.

(Unpublished)Tenth Circuit Court of Appeals, In re: Dr. DARRELL L. WHITMAN, No. 26-1094, Denial of Motion for Reconsideration, dated 28 April 2026, Appendix B.

JURISDICTION

The 10th Court of Appeals decided my case with an order denying hearing on 06 April 2026, with a copy of the order denying hearing appearing in Appendix A.

Petitioner filed a timely Motion for Reconsideration on 21 April 2026, which the 10th Circuit Court of Appeals denied on 28 April 2026, with a copy of the Motion and Order appearing in Appendix B.

A 60-day extension of time to file petition for a writ of certiorari was granted by the Clerk of the Supreme Court on 16 July 2026, with a copy of extension of time appearing in Appendix C.

Jurisdiction of this Court is invoked under **28 U. S. C. §1254(1)**.

CONSTITUTIONAL AND STATUTORY PROVISIONS CITED

Constitution, Article, II, Section 3:

> [The President] shall from time to time give to the Congress Information of the Stateof the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Constitution, Article, III, Section 2:

> The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;--to all cases affecting ambassadors, other public ministers and consuls;--to all cases of admiralty and maritime jurisdiction;--to controversies to which the United States shall be a party;--to controversies between two or more states;--between a state and citizens of another state;--between citizens of different states;--between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.
>
> In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.
>
> The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

Constitution, Amendment I:

> Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Constitution, Amendment IV:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Constitution, Amendment V:

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

5 U.S. Code, §702

> A person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute, is entitled to judicial review thereof. An action in a court of the United States seeking relief other than money damages and stating a claim that an agency or an officer or employee thereof acted or failed to act in an official capacity or under color of legal authority shall not be dismissed nor relief therein be denied on the ground that it is against the United States or that the United States is an indispensable party. The United States may be named as a defendant in any such action, and a judgment or decree may be entered against the United States: Provided, That any mandatory or injunctive decree shall specify the Federal officer or officers (by name or by title), and their successors in office, personally responsible for compliance. Nothing herein (1) affects other limitations on judicial review or the power or duty of the court to dismiss any action or deny relief on any other appropriate legal or equitable ground; or (2) confers authority to grant relief if any other statute that grants consent to suit expressly or impliedly forbids the relief which is sought.

5 U.S. Code, §703:

> The form of proceeding for judicial review is the special statutory review proceeding relevant to the subject matter in a court specified by statute or, in the absence or inadequacy thereof, any applicable form of legal action, including actions for declaratory judgments or writs of prohibitory or mandatory injunction or habeas corpus, in a court of competent jurisdiction. If no special statutory review proceeding is applicable, the action for judicial review may be brought against the United States, the agency by its official title, or the appropriate officer. Except to the extent that prior, adequate, and exclusive opportunity for judicial review is provided by law, agency action is subject to judicial review in civil or criminal proceedings for judicial enforcement.

5 U.S. Code, §704:

> Agency action made reviewable by statute and final agency action for which there is no other adequate remedy in a court are subject to judicial review. A preliminary, procedural, or intermediate agency action or ruling not directly reviewable is subject to review on the review of the final agency action. Except as otherwise expressly required by statute, agency action otherwise final is final for the purposes of this section whether or not there has been presented or determined an application for a declaratory order, for any form of reconsideration, or, unless the agency otherwise

requires by rule and provides that the action meanwhile is inoperative, for an appeal to superior agency authority.

5 U.S. Code, §705:

When an agency finds that justice so requires, it may postpone the effective date of action taken by it, pending judicial review. On such conditions as may be required and to the extent necessary to prevent irreparable injury, the reviewing court, including the court to which a case may be taken on appeal from or on application for certiorari or other writ to a reviewing court, may issue all necessary and appropriate process to postpone the effective date of an agency action or to preserve status or rights pending conclusion of the review proceedings.

5 U.S. Code, §706:

To the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action. The reviewing court shall—**(1)** compel agency action unlawfully withheld or unreasonably delayed; and **(2)** hold unlawful and set aside agency action, findings, and conclusions found to be— **(A)** arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; **(B)** contrary to constitutional right, power, privilege, or immunity; **(C)** in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; **(D)** without observance of procedure required by law; **(E)** unsupported by substantial evidence in a case subject to sections 556 and 557 of this title or otherwise reviewed on the record of an agency hearing provided by statute; or **(F)** unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court.
In making the foregoing determinations, the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

5 U.S. Code, §1212(a):

The Office of Special Counsel shall— **(1)** in accordance with section 1214(a) and other applicable provisions of this subchapter, protect employees, former employees, and applicants for employment from prohibited personnel practices; **(2)** receive and investigate allegations of prohibited personnel practices, and, where appropriate—**(A)** bring petitions for stays, and petitions for corrective action, under section 1214; and **(B)** file a complaint or make recommendations for disciplinary action under section 1215; **(3)** receive, review, and, where appropriate, forward to the Attorney General or an agency head under section 1213, disclosures of violations of any law, rule, or regulation, or gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; **(4)** review rules and regulations issued by the Director of the Office of Personnel Management in carrying out functions under section 1103 and, where the Special Counsel finds that any such rule or regulation would, on its face or as implemented, require the commission of a prohibited personnel practice, file a written complaint with the Board; and **(5)**

investigate and, where appropriate, bring actions concerning allegations of violations of other laws within the jurisdiction of the Office of Special Counsel (as referred to in section 1216).

5 U.S. Code, §1213(b)

Whenever the Special Counsel receives information of a type described in subsection (a) of this section, the Special Counsel shall review such information and, within 45 days after receiving the information, determine whether there is a substantial likelihood that the information discloses a violation of any law, rule, or regulation, or gross mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health and safety.

5 U.S. Code, §1214, Investigation of prohibited personnel practices, cited at pp. 2,

5 U.S. Code, §2302(b), Prohibited personnel practices, cited at pp. 4, 5

5a U.S. Code, §552 Freedom of Information Act, cited at pp. 3,

5. C.F.R., §2635.101(a)-(b):

(a) Public service is a public trust. Each employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws, and ethical principles above private gain. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each employee must respect and adhere to the principles of ethical conduct set forth in this section, as well as the implementing standards contained in this part and in supplemental agency regulations. (b) General principles. The following general principles apply to every employee and may form the basis for the standards contained in this part. When a situation is not covered by the standards set forth in this part, employees must apply the principles set forth in this section in determining whether their conduct is proper. **(1)** Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws, and ethical principles above private gain. **(2)** Employees shall not hold financial interests that conflict with the conscientious performance of duty. **(3)** Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.**(4)** An employee shall not, except as permitted by subpart B of this part, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties. **(5)** Employees shall put forth honest effort in the performance of their duties. **(6)** Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government. **(7)** Employees shall not use public office for private gain. **(8)** Employees shall act impartially and not give preferential treatment to any private organization or individual. **(9)** Employees shall protect and conserve Federal property and shall not use it for other than authorized activities. **(10)** Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official

Government duties and responsibilities. **(11)** Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities. **(12)** Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those—such as Federal, State, or local taxes—that are imposed by law.
(13) Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of, for example, race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age, genetic information, or disability. **(14)** Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

Rules of the U.S. Supreme Court, Rule 10

Review on a writ of certiorari is not a matter of right, but of judicial discretion. A petition for a writ of certiorari will be granted only for compelling reasons. The following, although neither controlling nor fully measuring the Court's discretion, indicate the character of the reasons the Court considers:
(**a**) United States court of appeals has entered a decision in conflict with the decision of another United States court of appeals on the same important matter; has decided an important federal question in a way that conflicts with a decision by a state court of last resort; or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power;
(**b**) a state court of last resort has decided an important federal question in a way that conflicts with the decision of another state court of last resort or of a United States court of appeals;
(**c**) a state court or a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.
A petition for a writ of certiorari is rarely granted when the asserted error consists of erroneous factual findings or the misapplication of a properly stated rule of law.

Federal Rules of Appellate Procedure, Writs, Rule 21(b)-(c):

(**b**) DENIAL; ORDER DIRECTING ANSWER; BRIEFS; PRECEDENCE. (1) The court may deny the petition without an answer. Otherwise, it must order the respondent, if any, to answer within a fixed time. (2) The clerk must serve the order to respond on all persons directed to respond. (3) Two or more respondents may answer jointly. (4) The court of appeals may invite or order the trial-court judge to address the petition or may invite an amicus curiae to do so. The trial-court judge may request permission to address the petition but may not do so unless invited or ordered to do so by the court of appeals. (5) If briefing or oral argument is required, the clerk must advise the parties, and when appropriate, the trial-court judge or amicus curiae. (6) The proceeding must be given preference over ordinary civil cases. (7) The circuit clerk must send a copy of the final disposition to the trial-court judge.

(c) OTHER EXTRAORDINARY WRITS. An application for an extraordinary writ other than one provided for in Rule 21(a) must be made by filing a petition with the circuit clerk and serving it on the respondents. Proceedings on the application must conform, so far as is practicable, to the procedures prescribed in Rule 21(a) and (b).

STATEMENT OF THE CASE

Petitioner's Writ of Certiorari requests to this Court to restore Petitioner's statutory right of judicial review created by the Administrative Procedures Act (**APA**) [**5 U.S. Code, §702**] claimed by Petitioner in a Writ of Mandamus filed with the 10th Circuit Court of Appeals as approved by law [**5 U.S. Code, §703**]. As discussed below, Petitioner Writ of Mandamus sought judicial review of federal agencies' actions, including the failure of officials to perform clearly mandated ministerial duties within the meaning of relevant statutes, which caused Petitioner to suffer legal wrong - the loss of Petitioner's Constitutional right to bring a grievance to government [**Const. Amend I**], and Petitioner's due process of law right to be protected against the loss of his Constitutional rights [**Const. Amend. V**].

Petitioner's Writ of Mandamus

On 23 March 2026, Petitioner filed a Writ of Mandamus with the 10th Circuit Court of Appeals, clearly identified as authorized by the Administrative Procedures Act (**APA**) (Petitioner's Writ of Mandamus, A, at p. 3), and reporting allegations of agency wrongdoing, including violations of statutorily mandated ministerial duties. This Writ was supported by five Appendices attached to and incorporated by reference into the Writ, which provided detailed accounts of federal responsible management officials (**RMO**) acting under color of office in the U.S. Department of Labor (**DoL**), U.S. Office of Special Counsel (**OSC**), Government Accountability Office (**GAO**), Council of Inspectors General on Integrity and Efficiency; and U.S. Department of Justic (**DoJ**) collaborating to deny Petitioner his Constitutional rights [**Const. Amends I & V**].

The five appendices then provided clear evidence, and evidence beyond reasonable doubt, consisting of witness statements and documentation, substantiating federal **RMOs** administrative misconduct and/or violations of federal criminal law. This provided the Court of Appeals with a comprehensive evidentiary base for conducting an **APA**'s mandated judicial review and corrective action [**5 U.S. Code, §706**]. This evidentiary base substantiated the existence of a web of wrongdoing within and between these five agencies

summarized as follows:

The **DoL** (Petitioner's Writ of Mandamus, **Appendix A): e**ngaged in: **a**) an intra-agency collaboration to deny Petitioner and other employee's their Equal Employment Opportunity (**EEO**) rights [**42 U.S.C., §§12111-12117**]; **b**) an intra-agency conspiracy to obstruct an **EEO** Harassing Conduct Complaint and **EEO** complaint of employment discrimination; **c**) an intra-agency conspiracy to obstruct multiple private-sector employees their Constitutionally protected right to bring a grievance to government, authorized by twenty federal statutes [**Const. Amends. I, V**] (*Mathews v. Eldridge,* 424 U.S. 319 (1976)) [**18 U.S. Code, §§241, 242, 371, 1001, 1503, 1505, 1510, 1512, 1513**]; **d**) senior **RMO** routinely obstructing the federal investigative process [**U.S. Code, §§241, 242, 371, 1001, 1503, 1505, 1510, 1512, 1513**]; and **e**) an intra-agency conspiracy to remove Petitioner from his federal employment by: **1**) engaging in unauthorized surveillance of Petitioner's personal, nonwork activities. in violation of Petitioner's privacy rights [**Const. Amend IV**], **2**) falsifying documents [**18 U.S. Code, 1001**], **3**) threatening and intimidating Petitioner and others as witnesses to criminal wrongdoing, [**18 U.S. Code, 1513],** and obstructing Petitioner's Freedom of Information Act **(FOIA)** request for **seven years,** in violation of law [**5a U.S. Code, §552**], which constructively denied Petitioner his right of administrative appeal [**Const. Amend V**].

These violations of law and Constitutional rights were facilitated, if not prompted, by Chief Executive, **Barak H. Obama**, to whom Petitioner disclosed in four letters in 2014 the corruption of a federal investigation that was weaponized against Petitioner and the other four DoL-WPP attorney-investigators in DoL Region 09, all of whom who were purged from their position in 2015.

The **OSC** (Petitioner's Writ of Mandamus, **Appendix B):** engaged in **a**) obstructing a simple **45-day** review of Petitioner's **OSC** disclosure of wrongdoing (DI-15-1950) for **3.5 years**, in violation of law [**5 U.S. Code, §1213(b)**]; **b**) obstruct Petitioner's **OSC** complaint of prohibited personnel practices (MA-16-3007) [**5 U.S. Code, §2302(b)**], in violation of law [**5 U.S. Code, §§1214(a)**]; **c**) repeatedly ignoring petitioner's requests for

a stay of his removal as allowed by **OSC**'s *Policy re Stay Requests* and mandated Page by statute [**5 U.S. Code, §§1212(a)**], causing irreparable harm to Plaintiff as the **OSC** continued to violate its statutorily mandated ministerial duties and Petitioner's Constitutional rights for **six years**; **c**) an inter-agency conspiracy between the **OSC**, the **DoL** Office of Inspector General, and the **CIGIE** Integrity Committee to obstruct a statutorily mandated **60-day** agency-head investigation of administrative misconduct and violations of federal criminal law [**5 U.S. Code, §1213(c)**], in violation of law [**18 U.S. Code, §§241, 242, 371, 1001, 1503, 1505, 1510, 1512, 1513**]; **d**) an interagency conspiracy between the **OSC** Counsel and the **CIGIE** Chair to rewrite the Whistleblower Protection Act (**WPA**) to exempt **CIGIE** members from **WPA** mandated **OSC** investigations; and **e**) a two year obstruction of Petitioner's **FOIA** request, in violation of law [**5a U.S. Code , §552**], which constructively denied Petitioner his right of administrative appeal to the Merit System Protection Board (**MSPB**).

The **CIGIE** (Petitioner's Writ of Mandamus, **Appendix C**): **a**) obstructed a **CIGIE** Integrity Committee investigation of serious allegations of criminal wrongdoing by **CIGIE-IC** Chair; and **b**) then obstructed Petitioner's **FOIA** request for document essential to a legal remedy for what was by that time a series of multi-year, intra-agency and intra-agency collaborations violating Petitioner's Constitutional rights [**Const. Amends. I, IV, V**], which was disclosed to Chief Executive , **Donald J. Trump**, who took no corrective action.

The **GAO** (Petitioner's Writ of Mandamus, **Appendix D**) misrepresented its 2018 audit of the **OSC** [GAO Audit 18-400], concealing widespread violations of law and mandated ministerial duties in violation of its own Generally Accepted Government Auditing Standards (**GAGAS**/Yellow Book).

The DoJ (Petitioner's Writ of Mandamus, **Appendix E**. From 2016 to 2023, Petitioner disclosed criminal wrongdoing as reported above to more than thirty **DoJ RMOs**, with no response, in spite of the **FBI** reporting it "is the primary federal agency responsible for investigating possible violations of federal **civil rights** statutes, including **18 U.S. Code, §§ 241, 242**[1], and the **DoJ** Civil Rights Division reporting, "The Criminal Section investigates and prosecutes cases throughout the United States involving the interference

with liberties and deprivation of rights defined in the Constitution or federal law."[2] In this case, both programs failed to honor their duty to investigate/prosecute fully documented disclosures of violations of criminal law and Constitutional rights.

Further, in March 2021, the **OSC** provided President **Joseph R. Biden** a copy of Petitioner's response to the **OSC**'s corrupted investigation of a statutorily mandated investigation of Petitioner's **OSC** disclosure (DI-15-1950) [**5 U.S. Code, §1213(c)**], with no response from the President, who is mandated to "take Care that the Laws be faithfully executed [**Constitution. Article II, Section 3**]. The failure of the **DoJ** and the President to perform their respective duties points to systemic "racketeering activity", as defined in **18 U.S. Code §1961(1)**, within the Executive Branch acting to protect federal **RMOs** from accountability for misconduct and/or criminal wrongdoing.

Nine Federal audits substantiate Petitioner's Writ of Mandamus

The allegations of administrative misconduct and violation so federal criminal law are broadly substantiated by the findings of **seven** federal audits of **DoL** Whistleblower Protection Program (**WPP**) conducted between 2008 and 2020, all of which found the **DoL-WPP** failed to conduct statutorily credible investigations in **98%** of private-sector employee retaliation complaints under twenty (**20**) federal statutes which promised but failed to protect them from employer retaliation, as discussed in detail in Petitioner's Writ of Mandamus, Appendix A: [**GAO WPP** Audit 09-106, dtd Jan 2009, and **GAO WPP** Audit 10-722, dtd Aug 2010; **DoL-OIG WPP** Audit 02-10-202-10-105, dtd 30 Sep 2010, **DoL-OIG WPP** Audit 22-12-014-10-105 dtd 20 Jan 2012, **DoL-OIG WPP** Audit 02-15-202-10-105, dtd 30 Sep 2015, and **DoL-OIG WPP** Audit 02-21-001-10-105, dtd 23 Nov 2020], which meant during the audit period the nation was deprived of the benefit of 57,000 of some 60,000 reports of specific and substantial threats to safety, health and financial security, while those making these reports were denied their Constitutional rights

[1] https://www.fbi.gov/investigate/civil-rights/federal-civil-rights-statutes, accessed 19 Aug. 2026)
[2] https://www.justice.gov/crt/criminal-section accessed 19 Aug. 2026.

[**Const. Amends. I & V**]. Further, the 2015 DoL-OIG audit reported that when the auditors asked senior **DoL-WPP** officials to explain why they violated statutorily mandated investigation time limits, they offered,

> Officials believed timeframes are not legal requirements, and it does not have to establish goals to meet them. They also stated when investigations were brought before the courts, OSHA was not penalized for not making a determination within the timeframe. [**DoL OIG WPP** Audit 02-15-202-10-105, dtd 30 Sep 2015, at p. 9]

Similarly, a 2018 **GAO** audit of the **OSC** [GAO OSC Audit, GAO-OSC Audit {18-400], dtd 14 Jun 2018] similarly reported the **OSC** was failing to conduct investigations of more than 90% of federal employee complaints of prohibited personnel practices [**5 U.S. Code, §2302(b)**] in violation of the program's statutory mandates [**5 U.S. Code, §1212(a); 5 U.S. Code, §1214(a)**], substituting a statutorily unauthorized Alternative Dispute Resolution process that would not hold wrongdoing accountable and deny federal Whistleblowers statutory protection from retaliation.

Then, a May 2026 **GAO** audit of the **CIGIE** [**GAO** Audit 26-107922], reported the **CIGIE** Integrity Committee from 2023 to 2026 had failed to investigate **99.9%** of the complaints filed against members of the **CIGIE**, in violation of **CIGIE** Integrity Committee Policies and Procedures 2018, **6.** Receipt, Initial Review, and Referral of Allegations for Consideration at IC Meeting, which substantiated Petitioner's allegations the **CIGIE** Integrity Committee had obstructed his 2018 complaint of wrongdoing.

This review of Petitioner's Writ of Mandamus was offered as evidence to the Court of Appeals which failed to conduct a legally qualified analysis of the Writ, thus failing to identify it as filed under the authority of the **APA,** including offering and extensive evidentiary base fashioned to support **APA** judicial review, leading the Circuit Court to deprive Petitioner of his Constitutional right to bring a grievance to government [**Const. Amend I**] as a Writ authorized by the **APA** for the purpose of obtaining judicial review and corrective action for agency actions which caused Petitioner to suffer legal wrong within the meaning of a relevant statute [**5 U.S., Code, §702**].

Further, the perfected allegations offered in Petitioner's Writ of Mandamus ar also strongly substantiated by former Department of Defense Assistant Inspector General, John R. Crane's thoroughly documented case of whistleblower retaliation involving multiple disclosures of serious criminal wrongdoing by senior DoD, OSC, CIGI, and FBI/DoJ reasonable management officials adopting similar tactics against him beginning in 2013 and continuing to the present time that remarkably follow the pattern taken against Petitioner, ruthlessly abusing the powers of their federal office to protect themselves and preferred others from accountability for criminal wrongdoing.

Court of Appeal's Denial of Hearing of Petitioner's Writ of Mandamus

On 06 April 2026, the 10th Circuit Court of Appeals denied Petitioner's Writ of Mandamus, offering:

> Dr. Darrell L. Whitman, proceeding pro se, petitions for a writ of mandamus directing federal officials to remedy alleged government wrongdoing.[1] We deny the petition.
>
> There are three conditions for a writ of mandamus. *See In re Cooper Tire & Rubber Co.,* 568 F.3d 1180, 1187 (10th Cir. 2009). "First, because a writ is not a substitute for an appeal, the party seeking issuance of the writ must have no other adequate means to attain the relief he desires." *Id.* (internal quotation marks omitted). "Second, the petitioner must demonstrate that his right to the writ is clear and indisputable." *Id.* (internal quotation marks omitted).
> And third, "the issuing coult, in the exercise of its discretion, must be satisfied that the writ is appropriate under the circumstances." *Id.* (internal quotation marks omitted).
>
> The Supreme Court, however, has cautioned that a writ of mandamus is not a substitute for ordinary remedies. *See, e.g., Bankers Life & Cas. Co. v. Holland,* 346 U.S. 379, 383 (1953) ("[I]t is established that the extraordinary writs cannot be used as substitutes for appeals, ... and whatever may be done without the writ may not be done with it."). Mandamus relief is not proper in lieu of, or in addition to, the established remedies for claims of violations of federal employment rights and protections, whistleblowing provisions, and the FOIA. To the extent Dr. Whitman believes those remedial schemes have fallen short of protecting his rights, we cannot create a remedy through mandamus. *See Green v. Nottingham,* 90 F.3d 415, 417 (10th Cir. 1996), that mandamus proceeding under [28 U.S.C.] section 1651, although characterized as an original proceeding, is not an independent grant of jurisdiction, but an aid of appellate jurisdiction."). Further, to the extent he requests we direct the Attorney General to investigate and commence criminal prosecutions, "the Executive Branch has exclusive authority and absolute discretion to decide whether to prosecute a case." *United States v. Nixon,* 418 U.S. 683,693 (1974). "Mandamus ... will not lie to direct the manner in which discretionary acts of governmental officials are to be performed nor to direct or influence the exer-cise of discretion in making such decisions." *Barr v. United States,* 478 F.2d 1152, 1155 (10th Cir. 1973).

Examining the Court of Appeals denial of hearing to Petitioner's Writ of Mandamus reveals: **a**) the

denial made **no** reference to the **APA** as the authority for the Writ, which the Writ clearly identified (see, Writ of Mandamus, *Jurisdiction*, p. 3) and which was reflected in Petitioner multiple requests for judicial review (pp.18-23), and in *Legal Support for Petitioner's Requests for Findings and Orders* (p. 23), and *Requests to the Court for Relief, Findings, and Orders* (pp. 24-25); and **b**) the assumption without evidence Petitioner was seeking an appeal from adverse findings of a court when the Writ **never** made any such claim. In fact, the Writ repeatedly reported Petitioner was denied his Constitutional due process right to an administrative appeal, commonly by an agency refusing to honor Petitioner's **FOIA** requests asking for documentation necessary to legal appeals (see, pp. 7-10, 12, 13, 19).

In this case, the Court of Appeals instead offered only case law in support of its denial, none of which involved an **APA** Writ as follows:

1. The court cited *In re Cooper Tire & Rubber Co.*, 568 F.3d 1180, 1187 (10th Cir. 2009) for its three conditions qualifying a writ of mandamus as follows:

> First, because a writ is not a substitute for an appeal the party seeking issuance of the writ must have no other adequate means to attain the relief he desires. First, because a writ is not a substitute for an appeal, the party seeking issuance of the writ must have no other adequate means to attain the relief he desires." *Id.* (internal quotation marks omitted). "Second, the petitioner must demonstrate that his right to the writ is clear and indisputable." *Id.* (internal quotation marks omitted). And third, "the issuing court, in the exercise of its discretion, must be satisfied that the writ is appropriate under the circumstances." *Id.* (internal quotation marks omitted).

However, rather than offering support for the court's denial of Petitioner's Writ, this case instead offers supports for hearing Petitioner's Writ as: **a**) Petitioner's writ isn't an appeal, but a petition for judicial review which is guaranteed by the **APA** to a petitioner who has suffered legal wrong within the meaning of a statute as a consequence of an agency action; **b**) Petitioner's right to judicial review is clear and indisputable under the **APA**; and **c**) the Court of Appeals failed to offer any argument Petitioner's writ was "inappropriate under the circumstances."

2. The court cited *Bankers Life & Cas. Co. v. Holland,* 346 U.S. 379, 383(1953) as authority for its claim

an extraordinary writ cannot be used as substitutes for appeals, ...and whatever may be done without the writ may not be done with it." But the court then failed to offer any evidence Petitioner's writ was an appeal, which it wasn't.

3. The court then cited *Green v. Nottingham,* 90 F.3d 415, 417 (10th Cir. 1996), arguing that a mandamus proceeding under [28 U.S.C.] section 1651, although characterized as an original proceeding, is not an independent grant of jurisdiction, but an aid of appellate jurisdiction," This finding has no relevance to Petitioner writ filed under the **APA**, as the Petitioner in *Green v. Nottingham* filed his writ of mandamus under a statute that does not limit a court's discretion to deny a Writ, as dos the **APA**, which allows a denial of hearing only where a court finds, "appropriate legal or equitable ground" for its denial of Hearing [**5 U.S. Code, 702**], with the Court of Appeals failing to meet that statutory requirement.

More troubling, the Court of Appeals argued:

> to the extent he requests we direct the Attorney General to investigate and commence criminal prosecutions, "the Executive Branch has exclusive authority and absolute discretion to decide whether to prosecute a case." *United States v. Nixon,* 418 U.S. 683,693 (1974). "Mandamus ... will not lie to direct the manner in which discretionary acts of governmental officials are to be performed nor to direct or influence the exercise of discretion in making such decisions." *Barr v. United States,* 478 F.2d 1152, 1155 (10th Cir. 1973).

These two cases are not relevant authority for the Court of Appeals denial of Petitioner's Writ because neither addresses the **APA**'s restrictions on the denial of hearing an **APA** writ, and its mandate for a reviewing court:

> To the extent necessary to decision and when presented, the reviewing court ***shall*** decide all rel-evant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action. The reviewing court ***shall***—**(1)** com-pel agency action unlawfully withheld or unreasonably delayed; and **(2)** hold unlawful and set aside agency action, findings, and conclusions found to be— **(A)** arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; **(B)** contrary to constitutional right, power, privilege, or immunity; **(C)** in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; **(D)** without observance of procedure required by law; **(E)** unsup-ported by substantial evidence in a case subject to sections 556 and 557 of this title or otherwise reviewed on the record of an agency hearing provided by statute; or **(F)** unwarranted by the facts to the extent that the facts are ***subject to trial de novo by the reviewing court***. [**5 U.S. Code, §706**, emphasis added].

Additionally, the Court of Appeals misrepresented *United States v. Nixon,* 418 U.S. 683,693 (1974) as support for its claim, "the Executive Branch has exclusive authority and absolute discretion to decide whether to prosecute a case." In this case, the Supreme Court was adjudicating *executive privilege*, not Executive Branch's *discretion* regarding prosecuting a case, ultimately holding *executive privilege* was not a defense protecting the Chief Executive from a court order to produce documents in a criminal case.

What was clearly missing from the Court of Appeals legal reasoning was any discussion of Constitutional separation of powers, which mandates the court to conduct an independent legal review of agency actions, as persuasively argued by Chief Justice, John Roberts, in *Loper Bright Enterprises v. Raimondo,* 603 U.S. 369 (2024), and the **APA** as a policy statement limiting federal agency discretion to act contrary to law. Although this Court applied this reasoning narrowly to strike down the *Chevron doctrine*, that reasoning applies equally, if not more so, to a Petitioner's Constitutional right to bring a grievance to government [**Const. Amend. I**] and to the protection of due process of law as a remedy for the failure of federal agencies to respect their ministerial duties mandated by statute.

Petitioner's Motion for Reconsideration

In response to the Circuit Court of Appeals denial of his Writ of Mandamus, Petitioner filed a timely Motion for Reconsideration explicitly clarifying his Writ was filed under the authority of the **APA** (see, Appendix B). In that Motion, Petitioner reproduced in full five **APA** statutes fully supporting the hearing of Petitioner's Writ of Mandamus [**5 U.S. Code, §§702-706**], arguing the court had misconstrued Petitioner's Writ, based on inappropriate assumptions and applications of law.

10th Circuit Court of Appeals Denial of Petitioner's Motion for Reconsideration

Rather than reassess its denial of Petitioner's Writ of Mandamus as authorized by the **APA**, the Court of Appeals denied Petitioner's Motion for Reconsideration without comment. (See, Court of

Appeals Denial of Petitioner's Motion for Reconsideration in Appendix B attached to this Writ). This arbitrary and capricious action also implied the court would not honor the **APA**'s directive for Conducting an **APA** judicial review, which mandates a reviewing court:

> To the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action. The reviewing court shall - **(1)** compel agency action unlawfully withheld or unreasonably delayed; and **(2)** hold unlawful and set aside agency action, findings, and conclusions found to be -**(A)** arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; **(B)** contrary to constitutional right, power, privilege, or immunity; **(C)** in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; **(D)** without observance of procedure required by law; **(E)** unsupported by substantial evidence in a case subject to sections 556 and 557 of this title or otherwise reviewed on the record of an agency hearing provided by statute; or **(F)** unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court.
>
> In making the foregoing determinations, the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error. **[5 U.S. Code §706]**

This prejudgment calls into question the court of appeals' integrity and capacity to act as an independent and objective trier of fact, which further substantiates the residual effects of Chevron deference on some federal justices who resist applying **APA** judicial review.

REASONS FOR GRANTING THE WRIT

01. The evidence produced in this Writ of Certiorari substantiates the 10th Circuit Court of Appeals violated Petitioner's Constitutional right to bring a grievance to government **[Const. Amend I]** in the form of a Writ of Mandamus authorized by statute **[5 U.S.C., §703]**, and Petitioner's right to due process of law **[Const. Amend. V]**, when the court dismissed Petitioner's Writ of Mandamus, authorized by the APA **[5 U.S. Code, §§701-706]**, which provided a prima facie case Petitioner suffered legal wrong and was adversely affected by agency actions within the meaning of relevant statutes.

The court justified its denial claiming discretion to do so but offering no factual evidence or legal argument supporting that claim, which the **APA** limits to a showing of "appropriate legal or equitable grounds", or "any other statute that grants consent to suit expressly or impliedly forbids the relief which is

sought." [**5 U.S. Code, §702**] Otherwise, as summarized by Jonathan M. Gaffney in *Judicial Review Under the Administrative Procedure Act (APA)* (Congressional Research Service, LSB10558, 09/16/2024), the **APA** authorizes judicial review on one of two grounds:

> If a case satisfies these criteria, the APA authorizes judicial review of an agency action when (1) another statute expressly authorizes review of the action or (2) the action is *final* and "there is no other adequate remedy in a court" with respect to that action. Courts may not, however, review challenges to an agency's action under the APA if another statute precludes judicial review of the action.

Here, this court reasoning in *Roper Bright Enterprises* becomes relevant to why the Court of Appeals denial of hearing Petitioner's Writ of Mandamus must be reversed. As Chief Justice Roberts reasoned in *Roper Bright Enterprises*, the **APA** statutory scheme for judicial review is rooted in the role federal courts play in Constitution's separation of powers, observing:

> Article III of the Constitution assigns to the Federal Judiciary the responsibility and power to adjudicate "Cases" and "Controversies"—concrete disputes with consequences for the parties involved. The Framers appreciated that the laws judges would necessarily apply in resolving those disputes would not always be clear but envisioned that the final "interpretation of the laws" would be "the proper and peculiar province of the courts," citing, The Federalist No. 78, p. 525 (A. Hamilton). (*Roper Bright Enterprises*, at 1-2).

Such "responsibility and power" raises the question, if a federal court denies hearing a Writ of Mandamus brought under the authority of the **APA**, claiming unlimited discretion and failing to provide any factual or relevant legal or ethical grounds for that denial, has that court failed its duty under **Article III**? This court implicitly answered that question in striking down Chevron discretion, when it found:

> Congress in 1946 enacted the APA "as a check upon administrators whose zeal might otherwise have carried them to excesses not contemplated in legislation creating their offices." Morton Salt, 338 U. S., at 644. The APA prescribes procedures for agency action and delineates the basic contours of judicial review of such action. And it codifies for agency cases the unremarkable, yet elemental proposition reflected by judicial practice dating back to Marbury: that courts decide legal questions by applying their own judgment. As relevant here, the APA specifies that courts, not agencies, will decide "all relevant questions of law" arising on review of agency action, 5 U. S. C. §706 (emphasis added)—even those involving ambiguous laws. (*Roper Bright Enterprises*, at 3).

This confirms the policy goal of the **APA's** authorization of judicial review is to use it to restrain abuse of power by federal officials. While this court limited its holding in *Roper Bright Enterprises* to the duty of a

federal court to interpret ambiguous statutory language, the duty of a federal court to interpret clear, unambiguous statutory language is not controversial, which in this case arises from Petitioner's allegations agency officials failed to honor ministerial duties mandated by statute, and supported by this court's observation in *Roper Bright Enterprises*:

> Although the Court did not at first treat Chevron as the watershed decision it was fated to become, the Court and the courts of appeals were soon routinely invoking its framework as the governing standard in cases involving statutory questions of agency authority (*Roper Bright Enterprises* at 4)

What this Court saw was how actions can have unexpected consequences, including the creation of inappropriate expectations even among senior members of the federal judiciary. For forty years, the Chevron doctrine raised inappropriate expectation among federal agency officials that they, not federal courts, could interpret the laws, rules and regulations of their agencies without being held to account for their choices, as DoL-OIG auditors confirmed in their 2015 audit of the DoL Whistleblower Protection Program. Thus, it is unsurprising some federal judges may also persist in failing to acknowledge an APA Writ comes with limits to the exercise of judicial discretion, which is a compelling reason for this court to grant certiorari and clarify the judicial discretion as it applies to APA writs.

Similarly, based on the Court of Appeals choice of non-APA cases to justify it exercise of discretion, there is an apparent conflict of laws, whereby a federal court can bypass the limits to their discretion under the APA by resorting to the Federal **Rules of Appellate Procedure, Rule 21** and its permissive treatment of a courts' power over writs. Whether or not intended, **FRAP, Rule 21** employs broad language which lumps writs into a group, without indicating court discretion over writs may be limited both by statutory construction (e.g. the APA), and by Constitutional due process, particularly where Constitutional rights are at issue. This conflict is evident in **FRAP, Rule 21(b)-(c)**, which provide:

> (b) DENIAL; ORDER DIRECTING ANSWER; BRIEFS; PRECEDENCE. (1) The court may deny the petition without an answer. Otherwise, it must order the respondent, if any, to answer within a fixed time. . . (4) The court of appeals may invite or order the trial-court judge to address the petition or may invite an amicus curiae to do so. The trial-court judge may request permission to address the petition but may

not do so unless invited or ordered to do so by the court of appeals.
(5) If briefing or oral argument is required, the clerk must advise the parties, and when appropriate, the trial-court judge or amicus curiae. . . (7) The circuit clerk must send a copy of the final disposition to the trial-court judge.
(c) An application for an extraordinary writ other than one provided for in Rule 21(a) must be made by filing a petition with the circuit clerk and serving it on the respondents. Proceedings on the application must conform, *so far as is practicable*, to the procedures prescribed in Rule 21(a) and (b) [emphasis added].

Thus, while **FRCP Rule 21(c)** allows for "other" writs, it simply bows to subsection (b) unqualified, broad grant of discretionary powers without any clarification of limitations of court's discretion that accompanies **APA** writs. Thus, this case offers an opportunity for this court to address this conflict of laws to ensure all federal courts are fully informed about limits to court discretion.

02. The 10th Circuit Court of Appeals denial of hearing Petitioner's Writ of Mandamus filed under the authority of the **APA [5 U.S.C., §702]** as a statutory right to judicial review, coupled with that court's denial of Petitioner's Motion for Reconsideration without comment, so far departs from the accepted and usual course of judicial proceedings as to call for an exercise of this Court's supervisory power [**Rules of the Supreme Court, Rule 10(a)**].

While this Court's supervisorial authority over inferior courts is limited, (see, Amy C. Barrett, *The Supervisory Power of the Supreme Court,* 106 Colum. L. Rev. 324 (2006), this Court also has a duty to protect due process of law [**Const. Amend. V**], particularly when the right at issue is Constitutional.

As this Court reasoned in *Loper Bright Enterprises v. Raimondo,* 603 U.S. 369 (2024):

> . . . the reviewing court under the APA is, as always, to independently interpret the statute and effectuate the will of Congress subject to constitutional limits. The court fulfills that role by recognizing constitutional delegations, fixing the boundaries of the delegated authority, and ensuring the agency has engaged in 'reasoned decisionmaking' within those boundaries. Michigan v. EPA, 576 U. S. 743, 750 (quoting, *Allentown Mack Sales & Service, Inc. v. NLRB,*522 U. S. 359, 374). By doing so, a court upholds the traditional conception of the judicial function that the APA adopts. (*Loper Bright Enterprises*. at pp. 13).

The "traditional conception of the judicial function that the APA adopts" necessarily begins with the First Amendment's Constitutional right to bring a grievance to government (*McDonald v. Smith*, 472 U.S.

479 (1985), in which C.J. Warren Burger said, "Petition is cut from the same cloth as the other guarantees of (the First) Amendment and is an assurance of a particular freedom of expression.") While a Writ of Mandamus under the All-Writs Act, 28 U.S.C. § 1651(a) is an extraordinary remedy that should only be used in exceptional circumstances of peculiar emergency or public importance (citing *United States v. McGarr*, 461 F.2d 1 (7th Cir. 1972), where the right to the writ is 'clear and indisputable', a writ may issue (citing, Bankers Life & Casualty Co. v. Holland, 346 U.S. 379, 74 S. Ct. 145, 98 L. Ed. 106. That leaves this Court to determine whether the **APA** in creating a right to judicial review using a writ of mandamus is a "clear and indisputable right" within the meaning of the All-Writs Act, and whether the policy purpose of the APA to restrain abuse of authority is of such public importance as to warrant restricting an Appellate Court's discretion to deny haring an APA writ seeking judicial review of agency actions causing legal harm to the petitioner.

03. The Circuit Court of Appeals denial hearing of Petitioner's Writ of Mandamus authorized by the **APA** decided an important question of federal law that was not but should been settled by this Court and decided an important federal question in a way that conflicts with relevant decisions of this Court. [**Rules of the Supreme Court, Rule 10(a)**].

As discussed above, the Circuit Court of Appeals' denial of hearing Petitioner's Writ of Mandamus brought under the authority of the **APA** relied on case law inappropriate to the statutory authority of the **APA.** Thos cases predated this Court's reasoning in *Loper Bright Enterprises, Inc.*, which found Constitutional separation of powers mandated federal court legal review under **Article III** of the Constitution, and also involved appeals from lower courts, rather than asking for judicial review of adverse rulings, which are granted considerable court discretion under the *All-Writs Act.* Thus, the Court of Appeals decided a choice of law issue of concern to this court without any legal analysis or reference to this court's discussion of court discretion in *Roper Bright Enterprises.*

04. The denial of judicial review of an **APA** writ by the Circuit Court of Appeals is an act of such great public interest it compels this Court to grant of certiorari to protect the right of judicial review as a Constitutional and statutory due process right and important public policy [**Rules of the Supreme Court, Rule 10(a)**].

In *The Legislative History of the Administrative Procedure Act*, Roni Elias noted:

> By providing an effective method for regulating agency action, the APA preserved individual rights as against the abuse of administrative power and made such action more authoritative and acceptable to the public." (Fordham Environmental Law Review, Vol. 27, No. 2, Article 2, 2015, at 207-208).

However, the capacity of the **APA** to perform this essential role requires a system of transparency and accountability within Congress and the Executive Branch that protects federal employees who report misconduct and criminal wrongdoing, as mandated by federal ethics law [**5 C.F.R., §2635.101(b)(11)**].

Congress designated three agencies and one statute to serve that purpose:

- The **GAO**, which is tasked with responding to Congressional requests to conduct audits testing the integrity of federal agencies, programs, and portions, and investigations to hold federal officials accountable for administrative misconduct and violations of federal criminal law;
- The **OSC**, which acts as an external quality control mechanism by receiving and managing federal employee disclosures of federal **RMO** misconduct and/or criminal wrongdoing and retaliation;
- The Inspector General system, which was created as an internal quality control system within federal agencies, programs and operations; and
- The Freedom of Information Act (**FOIA**), which mandates the timely production of documents relevant to audits, investigations, and legal appeals from agency actions, as a way to increase government transparency.

When these agencies and this statute fail, they become a threat to the integrity of our Constitutional Republic, as James Madison cautioned in 1788:

> If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. (Federalist Paper, No. 51).

The evidence of these agencies failing can be found scattered among multiple treatises examining how the U.S. government functioned over the last quarter Century. These include Paul C. Light's 1993 study, *Monitoring Government: Inspectors General and the Search for Accountability*, which found:

> . . . effectiveness involves much more than professionalism, coverage, size of savings, strength of cases, and visibility. Reading the 1978 Mandate [of the IG Act] in the broadest terms, an IG must focus on department or agency performance. It is simply not enough to catch bad guys. The long-run success of the IG concept can be measured only by the quality of life produced by government. This value can be inferred by four simple, if imperfect, questions regarding interest, trust, vulnerability, and value added (at p. 220).

They also include Thomas Mann's and Norman Ornstein's *The Broken Branch: How Congress Is Failing America and How to Get It Back on Track.* Oxford University Press, (2008), in which these two highly respected American government analysts report the decline of ethics and integrity in Congress as partisan politics took control in the 1990s. As well as Saurav Ghosh's, "The Trump Administration's Rampant Pay-to-Play Corruption Threatens Our Democracy", published by The American Bar Association, March 2026,[1] which exposed a descent into a brazen disregard for laws, rules and regulations within the Executive Branch that was normalizing corruption.

None of this would surprise the tens of thousands of federal employees who have been denied access to justice over the last sixteen years due to agency misconduct and/or wrongdoing, as multiple federal audits have confirmed. (See, Petitioner's Writ of Mandamus for details.) Rather, what will surprise them is the predictable failure of Congress and the federal courts to honor their Constitutional promise of protecting the Constitutional integrity of the federal government, as Chevron deference normalized as acceptable the abuse of authority within the Executive Branch.

Nor will it surprise the millions of victims of the systemic corruption that has plagued the U.S. and the world over the last quarter century, including hundreds of thousands of actual and potential private-sector whistleblowers. But they, like the federal employee victims, have come to recognize the patterns of corruption that have preceded and followed the serial crises of the last forty years, all of which involve a general disrespect for the Constitution and the laws, rules and regulations it authorizes.

There are many instances of this descent into lawlessness thoroughly documented in Petitioner's Writ of Mandamus. For example, Petitioner's evidentiary base includes a Memorandum of Understanding (**MOU**), concluded between the Chair of **CIGIE**, who managed the entire Inspector General community in the Executive branch, and U.S. Special Counsel, who managed the **OSC,** which is statutorily mandated to protect all federal employee from prohibited personnel practices [**5 U.S. Code, §1212(a)**]. In this MOU they agreeing to amend the Whistleblower Protection Act (**WPA**) without Congressional oversight or authority, to exclude **OSC** from investigating members of **CIGIE**, in violation of its ministerial duty [**5 U.S. Code, §1214(a)**], effectively allowing the **CIGIE** Chair exclusive and unaccountable management of **CIGIE.** (Petitioner's Writ of Mandamus, Appendix B, pp. 20-21, and Appendix C, pp. 8-11).

Similar substantiated instances thickly populate the five appendices attached and incorporated into Petitioner's Writ of Mandamus, which, in turn, reflect substantiated allegations made by tens of thousands of federal and private-sector whistleblowers who collected witness statements and documents in anticipation of federal investigations and judicial reviews, which were denied by scofflaw federal **RMOs** and courts, in spite of clear and compelling evidence of wrongdoing and the catastrophic consequences that followed. The interests of these federal **RMOs** focused on protecting themselves and preferred

[1], accessed 10 May 2026, at https://www.americanbar.org/groups/crsj/resources/human-rights/2026-march/trump-administrations-rampant-pay-to-play-corruption-threatens-our-democracy/)

others from accountability for wrongdoing, at least in part because they, like the **DoL RMOs** didn't believe they had to follow statutorily mandated ministerial duties because courts never held them accountable for these violations (cited above at p. 5).

Without legally qualified, independent and objective investigations and judicial reviews, based on clear evidence, the disintegration of the credibility and authority of our Constitutional Republic will continue, as will the costs in personal and national losses they impose. This should be a sufficient and compelling reason for this Court to grant certiorari in this case as a critical step toward restoring the integrity of our government by affirming the right to judicial review under the **APA** is Constitutionally protected for "a person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute." **[5 U.S. Code, §702]**.

CONCLUSION

Petitioner's writ of certiorari should be granted for the compelling reasons discussed above, which collectively point the U.S. Supreme Court and its duty to defend the Constitution and the rights it grants to bring a grievance to government **[Const. Amend. I]** and enjoy the protection of due process of law **[Const. Amend. V]** as the source of integrity and transparency for our Constitutional Republic.

APPENDICES

APPENDIX A: 10th Circuit Court of Appeals Denial of Petitioner's Writ of Mandamus.

APPENDIX B: Petitioner's Motion for Reconsideration and 10th Circuit Court of Appeals Denial of Petitioner's Motion for Reconsideration

APPENDIX C: Clerk of the Supreme Court grant of a 60-day extension of time to file.

Respectfully submitted,

Darrell Whitman

Darrell L. Whitman

Dated: 21 October 2026