

Case No. 19-8288

**IN THE SUPREME COURT OF
THE UNITED STATES**

Mac Truong, Ruediger Albrecht, *Appellants-Petitioners*
Rosemary Ida Mergenthaler, *Debtor-Appellant-Petitioner*

-against-

R. Kenneth Barnard, United States Trustee,
Appellees-Respondents

**PETITION UNDER RULE 44.2 FOR
REHEARING OF THIS COURT'S JUNE 22 2020
ORDER DENYING APPELLANTS-PETITIONERS'
PETITION FOR A WRIT OF CERTIORARI**

Mac Truong, Plaintiff-Appellant-Petitioner *Pro Se*
C/o IMDIT PRO SE SERVICES
875 Bergen Avenue, Jersey City, NJ 07306
(914) 215-2304 - Dmtforest@aol.com,

**THE UNITED STATES
SUPREME COURT**

Mac Truong, Ruediger Albrecht,
Appellants-Petitioners
Rosemary Ida Mergenthaler,
Debtor-Appellant-Petitioner

-against-

R. Kenneth Barnard, United States Trustee,
Appellees-Respondents

Case No. 19-8288

**PETITIONER-APPELLANT MAC TRUONG'S
CERTIFICATION IN SUPPORT OF
PETITION UNDER RULE 44.2 FOR
REHEARING OF THIS COURT'S JUNE 22 2020
ORDER DENYING APPELLANTS-PETITIONERS'
PETITION FOR A WRIT OF CERTIORARI.**

Mac Truong certifies under the penalty of perjury as follows:

1. I am one of three Appellants-Petitioners *pro se* in the instant Petition for a writ of certiorari in this Court from four inextricably intertwined Final Dismissal Orders respectively docketed #61, #62 and #65 dated 1/15/2010 and/or 1/16/2020, and #106 dated 3/19/2020 of the United States Court of Appeals for the Second Circuit

(USCA2 hereafter) that had determined and decided that the U.S. Bankruptcy Court for the Eastern District of New York (USBC-EDNY hereafter) had subject-matter jurisdiction under 11 USC 105 to order the U.S. Marshall Office to arrest, without prior notice or written order, in handcuffs, and incarcerate an otherwise innocent Chapter 7 Debtor in federal prison until she would have turned over her inherited assets that her alleged Trustee, Respondent herein, had claimed under false pretenses belonged to her estate, that did not actually exist as a matter of law. Such decisions by USCA2 is patently erroneous and illegal since they undisputedly violated the Provisions 105 and 704 of the Code, the U.S. Department of Justice Chapter 7 Handbook, and 18 USC 153, 155, 157, 1512 and 1961. The Court issued such orders-decisions on the merits without absolutely any rational explanation except that Petitioners' appeals lacked "an arguable basis either in law or in fact," some gratuitous statement that is an egregious material misrepresentation of fact and law to cover any despicable fraudulent and illegal conduct of respondents herein.

2. Facts undisputed on court records show that Appellees-Respondents Chapter 7 Trustee R. Kenneth Barnard and/or the U.S. Trustee made numerous fake motions, i.e. based on undisputedly intentional materially false statements of fact, and obtained numerous fake orders, i.e. orders being issued based on knowing material misstatement of fact and/or law by movant or cross-movant, by USBC-EDNY Judge Robert E. Grossman, and as such illegally converted Petitioners' assets in the admitted amount of \$2,793,000.16 on record in undisputed violation of 18 USC 153, 155, 157 and 1961. On appeal to EDNY Judge Joanna Seybert and then to USCA2 Chief Judge Robert A. Katzmann, Appellants-Petitioners undisputedly showed all the misstatements of fact and/or law having been made by Respondents herein. However, the lower Courts or rather those criminals in black robes just dismissed Appellants' appeals without any explanation at all.

3. [Side Note: May it please the Court to forgive Petitioner herein to call Judges Grossman, Seybert and Katzmman “criminals in black robes” because that is indeed who they are and can be proven beyond a reasonable doubt by careful review of literally thousands of authentic pages of court records. Petitioner Mac Truong herein, presently 76 years of age, would accept a sentence of more than 25 years as deserving penalty for perjury or libel, if I am intentionally incorrect in my judgment and merely do so based on my personal hatred or prejudice for the judges in question. It is a fact that even though I have dealt with this matter for more than five years on practically a daily basis, I have never met or even seen a picture of any of the judges hereinabove mentioned, or been curious enough to check their respective backgrounds or pictures on the internet. As far as USCA2 Chief Judge Robert A. Katzmman is concerned, I am sure his honor has been familiar with my name and cases since about 2005.]

4. Petitioners herein appealed to this U.S. Supreme Court from the USCA2 Dismissal Orders by timely filing our instant Petition for a Writ of Certiorari. On June 22, 2020, this Court denied it without any explanation.

5. My educated guess regarding said denial is that this noblest Court of the land ostensibly did not believe that this case has actually raised an issue, which is actually one of the most important in the legal history of the U.S.A. regarding the easy way for judges below to cheat a higher Court, especially the U.S. Supreme Court by twisting the laws and counting on this Court’s heavy caseload to manage to control so-called issues of law only.

6. For instance, if the USCA2 had decided that my appeal must be dismissed because “it lacks an arguable basis either in law or in fact,” then it should be so and of course this most important Court of the land would have no time to take a second look into the matter, notwithstanding how hard an appellant *pro se* would try to tell

the Court otherwise in the few limited pages of his/her Petition for a writ of certiorari.

7. Fortunately, as by divine destiny, right on the point and timely, it happens that Petitioner herein can now support my motion for rehearing with an unique historical fact showing that apparently U.S. Attorney General William Barr has intervened to investigate this extremely serious judicial organized crime unit being headed by USCA2 Chief Judge Katzmann. Finally, it would definitely be worth this Supreme Court's time to review this extraordinary case to do justice not only for Petitioners herein but also for the U.S. system of justice and all the people of the United States of America.

8. The grounds warranting a rehearing of the instant Motion for a Writ of Certiorari being limited to intervening circumstances of a substantial, or controlling effect, or to other substantial grounds not previously presented, are as follow.

THE BRIEF AND DISTINCT GROUNDS OF THIS PETITION FOR REHEARING

9. Only two days prior to this Court's June 22 2020 Denial Order of Appellants' instant Petition, it became of public knowledge that U.S. Attorney General William Barr, whose assistant, the U.S. Solicitor General, is attorney for Respondents herein, removed, upon President Trump's order, Manhattan U.S. Attorney Geoffrey Berman. The removal was ostensibly due to the undisputed fact that Berman had willfully refused to investigate Judicial Organized Crime (JOC) activities in USBC-EDNY, EDNY, SDNY and USCA2, and the U.S. Trustee Office, some extremely serious organized criminal activities that are literally the subject of the complaints

having been made by Plaintiffs-Appellants-Petitioners in this proceeding before the lower courts and now in this Court.

10. Clearly Berman and his predecessors must have been the undisputed reason why USCA2 Chief Judge Robert A. Katzmann and his JOC (Judicial Organized Crime) unit could have performed their judicial criminal activities with, so far, immunity.

11. Indeed, said criminals in black robes could do so because of the corrupted cooperation of the U.S. Department of Justice at least until the appointment of honorable William Barr as Attorney General of the United States. The newly available undisputed facts known to the public are as follow.

12. **According to Attorney General Barr, Manhattan U.S. Attorney Geoffrey Berman was fired on June 20, 2020 by President Trump because he had failed to investigate Judicial Organized Crime (JOC) activities in the SDNY and USCA2, not because he had investigated Trump or Giuliani cases.**

13. On June 19, 2020 Berman publicly issued a bizarre and incorrect statement as a matter of law that he learned from "the Attorney General tonight that I was 'stepping down' as United States Attorney. **I have not resigned, and have no intention of resigning, my position, to which I was appointed by the Judges of the United States District Court for the Southern District of New York.** I will step down when a presidentially appointed nominee is confirmed by the Senate. Until then, our investigations will move forward without delay or interruption. I (...) intend to secure that this Office's important cases continue unimpeded."

14. On June 20, 2020 CNN and/or Reuters reported that Attorney General William Barr told U.S. Manhattan Attorney Berman: "I have asked the President to remove you as of today, and he has done so." Barr also added that the Deputy U.S. Attorney Audrey Strauss for the Southern District of New York, will become the Acting U.S. Attorney until a permanent replacement is installed," and, finally, in

substance, that Berman is a grandeur-illusionist incorrectly claiming that he was dismissed by Trump and Barr for having investigated Trump and/or Giuliani's alleged misconduct. In fact, the just and fair and no-nonsense Attorney General made it absolutely clear that Berman was not fired because he had investigated any Trump and/or Giuliani's misconduct-related case. As such, actually the attorney general must have implied that Berman was fired rather by cases he should have, but not, investigated having devoted his entire time to witch-hunting the President and/or his men such as Rudy Giuliani.

15. Attorney General Barr must have pointed at Appellants-petitioners' instant case in the caption above in this U.S. Supreme Court.

16. Indeed, since 2015 a debtor by the name of Rosemary Ida Mergenthaler filed for Chapter 7 Bankruptcy in the USBC-EDNY, Chapter 7 Trustee: R. Kenneth Barnard; Bankruptcy Judge: Robert E. Grossman. Case No. 15-72040. Within the next three months, due to Barnard and Grossman's obvious biased and unlawful conduct aiming not at all at administering any justice pursuant to the exact provisions and/or spirit of the Code, or the Chapter 7 Handbook of the U.S. Trustee's Office, but only and literally at stealing every penny of all Debtor's approximately \$3,000,000.00 in cash on hand, Debtor filed two complaints against judicial misconduct of Barnard and Grossman directly with USCA2 Chief Judge Robert A. Katzmann, who declined to intervene on the ground that since it was a complaint against a court decision in a pending case, it must be done through appellate channel. Four years later, with undisputed evidence on court written records showing that Barnard had submitted many fake motions to cause Grossman to issue many fake orders approving Barnard's Trustee's Final Report showing that he had collected in cash a total of \$2,797,000.16 as and for Debtor's assets, every penny of which he had paid to himself and his lawyers as administration and/or lawyers' fees, and to absolutely undeserved absolutely-disputed creditors, without any court order

resulting from any legal proceeding as required by the Code, but absolutely not one dime of refund to Debtor, **after her discharge was denied on August 12, 2016**, or priority creditors such as the IRS's \$7,000 for allegedly "no fund available" after such outrageous unlawful payment as \$850,000.00 to fake creditor Osakavage of Debtor's husband, but not at all of Debtor as a matter of law. Debtor appealed from Grossman's such outrageous orders that are fake on their faces to EDNY Judge Joanna Seybert, who dismissed the appeals without any rational explanation at all. Debtor appealed from Seybert's unjustified dismissal orders to USCA2 Chief Judge Robert A. Katzmann, who also dismissed Debtor's appeals without any explanation, and most outrageously even without waiting for the filing of Appellant and/or Appellee's Brief, but merely with the absolutely and outrageously material short misrepresentation of fact and law that "Appellant's appeal is dismissed because it has no merit in fact or in law." [For Details, See Debtor's Motion for Reconsideration *en Banc* in USCA2, and/or Petition for Writ of Certiorari in SCOTUS.]

17. In April 2019, Debtor Mergenthaler filed 14 formal complaints against judicial criminal misconduct of USCA2 Chief Judge Robert A. Katzmann and 13 other Judges, Trustees and/or attorneys at law with the office of U.S. Attorney for Southern District of New York Geoffrey Berman. [Copies of these Complaints will be submitted if requested.]

18. In April 2020, the undersigned Petitioner, together with Ruediger Albrecht, another Plaintiff-Appellant, and Debtor-Appellant Rosemary Ida Mergenthaler filed a Petition for a Writ of Certiorari in this Court from the USCA2's January 2020 Dismissal Orders. Said Petition for a Writ of Certiorari was assigned Case No. 19-8288. It was denied on June 22, 2020, [Copies attached] i.e. two days after Mr. Berman had been removed.

19. In April 2020 Petitioner Mac Truong herein further filed a request seeking intervention by President Donald J. Trump, and Attorney General William Barr, and all 9 Justices of the U.S. Supreme Court to clean up once and for all undisputed judicial criminal misconduct of U.S. Bankruptcy Judge Robert E. Grossman, EDNY Judge Joanna Seybert, and USCA2 Chief Judge Robert A. Katzmann, who had issued despicable fake orders to permit felonies of money laundering, conspiracy, extortion through false arrests in handcuffs by U.S. Marshals, and threats in open Court of indefinite incarceration, blackmailing to collect and convert approximately \$3,000,000.00 of Complainants-Petitioners herein in egregious violation of 18 USC 153, 155, 157, 1961. [Copies of these Requests will be submitted if requested.]

20. Geoffrey Berman, who had received Debtor's 14 Complaints since April 2019 and a dozen of voluminous updates keeping him informed of the crimes and felonies having been undisputedly committed by Respondents, has absolutely failed to do anything to look into the Judicial Organized Crime unit being under the undisputed control of USCA2 Chief Judge Robert A. Kartzmann. Berman did not even acknowledge the receipt of Debtor's voluminous complaints and updates or made one word of comment regarding a matter affecting the life or death of a helpless Bankruptcy Debtor and U.S. citizen Rosemary Ida Mergenthaler. Rosemary, being literally homeless, while her almost \$2,000,000.00 was illegally in the custody of fake Trustee Barnard, had to spend most of her nights during the cold winter of 2019-2020 in her husband's old car moving from one parking lot to another.

21. Upon information and belief, there was absolutely no excuse for Mr. Berman not to devote some of his time to investigate this matter by first simply for instance getting an explanation from some of the Respondents. **However, as now clearly, even though in another context, explained by him in his own words, since he (believed he) was APPOINTED BY THE JUDGES OF THE SDNY, he could**

definitely not turn his coat and make an impartial criminal investigation and/or arrests of his superiors or employers, or partners in crime.

22. Based on his such unwitting or intentional misleading explanation to the media on how he was appointed U.S. attorney, alone, Mr. Berman deserved to be fired by the no-nonsense Attorney General William Barr within a few hours after he (Berman) had issued such untrue legal explanation regarding how he had been originally appointed. [Note: a U.S. attorney is appointed by the President, which appointment must be confirmed by the U.S. Senate.]

23. Apparently, under the shock of his life, the former “most powerful” U.S. attorney of America, Berman, must have only meant that he was appointed by the President and confirmed by the Senate to **practice** in the U.S. District Courts for the Southern District of New York.

24. On June 20, 2020, Attorney General Barr told him: “I have asked the President to remove you as of today, and he has done so.” Berman then accepted to quietly leave his office without any further legally incorrect statement.

25. So, the media such as CNN and Democrat politicians were wrong and biased when they announced fake news without evidence to harm President Trump and/or Attorney General William Barr when they reported that President Trump and his Attorney General fired Manhattan U.S. Attorney Berman due to the progress this “most powerful U.S. attorney in America” had made in the investigation of Trump and/or Giuliani's criminal allegations. All that was false.

26. **Indeed, as already shown hereinabove, there is absolute undisputed evidence on official court records showing that Geoffrey Berman is member of a team of Judicial Organized Crime being composed of USCA2 Chief Judge Robert A. Katzmann, EDNY Joanna Seybert, USBC-EDNY Robert E. Grossman (Case No. 15-72040) and many other judges and attorneys at law. Their felonies consisted of making fake motions and fake orders, false arrests and**

false imprisonment to collect assets by extortion and/or blackmailing, and literally converted millions of dollars from Debtor Rosemary Mergenthaler and Creditors Mac Truong and Ruediger Albrecht by fake motions and fake orders in egregious violation of 18 USC 153, 155, 157 and 1961.

27. As such, undisputedly, Mr. Berman was fired not for his investigation(s) into President Trump and/or Mr. Giuliani's alleged misconduct, but because of what he did not, to wit: He did not investigate the Judicial Organized Crime (JOC) activities in Manhattan U.S. Courts, of which he was a pawn and/or active member, and for which he should now be investigated, indicted, prosecuted and incarcerated if and when warranted.

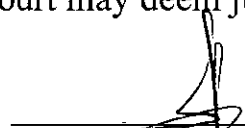
28. Notwithstanding the above, the undersigned is mindful of the fact that the U.S. Department of Justice may not be at a liberty to (prematurely) disclose what is only Petitioner's educated guess that justice is finally being done after all those long years of sufferance and humiliation and millions of dollars robbed in open court ruining innocent lives and breaking families, and that the Robert A. Katzmann's Judicial Organized Crime (JOC) unit has now been under investigation by the U.S. DOJ, and that Berman must have been removed because he had failed to do his job of investigating, indicting, and/or prosecuting the JOC team that is probably the most powerful corrupted groups of judges, trustees and lawyers in U.S. history that he had believed to have appointed him U.S. Attorney.

CONCLUSION

29. Viewing the foregoing, Petitioner's instant Petition for Rehearing of this Court's June 22 2020 Order [Attached] denying our Petition for a writ of certiorari should be granted in the most paramount interest of justice and fairness.

WHEREFORE, I, Appellant-Petitioner *pro se* Mac Truong, respectfully petition to this Court to rehear Appellants-Petitioners' Petition for a Writ of Certiorari, and/or granting all other and further relief as this Court may deem just, fair and proper.

Dated: 3rd Day of July, 2020




Mac Truong, Ph.D., J.S.D.,
Appellant-Petitioner *pro se*

WORDS LIMITATION CERTIFICATION

I, Mac Truong, Appellant-Petitioner, affirm under the penalty of perjury that the instant Petition for Rehearing contains less than 3000 words as required by the Rules of this Court.

Dated: 3rd Day of July, 2020

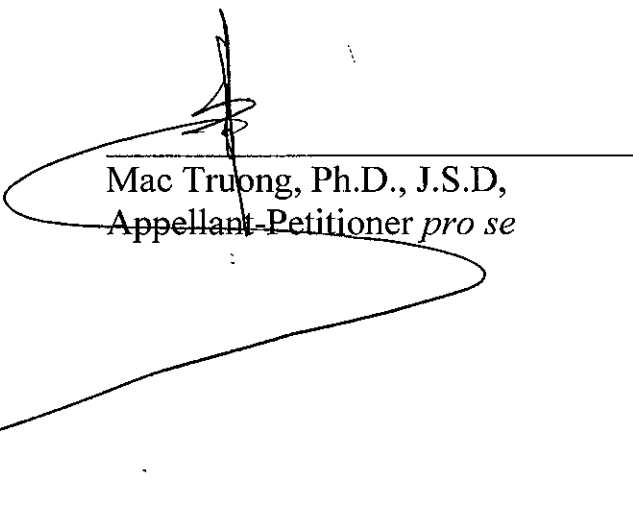


Mac Truong, Ph.D., J.S.D.,
Appellant-Petitioner *pro se*

**PETITIONER PRO SE'S
CERTIFICATION
UNDER RULE 44.2 THAT THE INSTANT
PETITION IS PRESENTED IN GOOD
FAITH AND NOT FOR DELAY.**

Viewing the foregoing statements of facts and law in support of Petitioner's instant Petition for a Rehearing of Appellants-Petitioners' Petition for a Writ of Certiorari, the undersigned Petitioner *pro se* Mac Truong affirms under the penalty of perjury that my instant Petition for a Rehearing of this Court's June 22 2020 Denial Order is absolutely meritorious and made in absolute good faith and not at all to delay.

Dated: 3rd Day of July, 2020



Mac Truong, Ph.D., J.S.D,
~~Appellant-Petitioner~~ *pro se*

LIST OF PARTIES TO BE SERVED

William Barr, U.S. Attorney General
U.S. Department of Justice
Washington, DC

Stan Yuon Yang, Attorney for the
U.S. Trustee, Appellee
560 Federal Plaza
Central Islip, NY 11722

David Blansky, Esq.
Attorney for R. K. Barnard
3305 Jerusalem Avenue
Wantagh, NY 11793

**IN THE SUPREME COURT
Of THE UNITED STATES**

Case #19-8288

Mac Truong, *et al.* v. U.S. Trustee, *et al.*

AFFIRMATION OF SERVICE

I, Mac Truong, affirm under the penalty of perjury as follows:

I am one of the three Appellants-Petitioners *pro se* in this proceeding. My address, phone number, and email addresses are indicated below.

On July 5, 2020, I served by email and/or First Class Mail the true copies of the instrument herein upon:

William Barr, U.S. Attorney General
U.S. Department of Justice
Washington, DC

Stan Yuon Yang, Attorney for the
U.S. Trustee, Appellee
560 Federal Plaza
Central Islip, NY 11722

David Blansky, Esq.
Attorney for Appellee Barnard
3305 Jerusalem Ave, Suite 201
Wantagh, NY 11793

Dated: July 5, 2020



Mac Truong, Appellant-Petitioner
C/o IMDIT *Pro Se*
875 Bergen Avenue,
Jersey City, NJ 07306
(914) 215-2304
Dmtforest@aol.com

**Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001**

Scott S. Harris
Clerk of the Court
(202) 479-3011

June 22, 2020

Mr. Mac Truong
C/O Imdit Pro Se Services
875 Bergen Avenue
Jersey City, NJ 07306

Re: Mac Truong, et al.
v. R. Kenneth Barnard, et al.
No. 19-8288

Dear Mr. Truong:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott S. Harris", written in a cursive style.

Scott S. Harris, Clerk