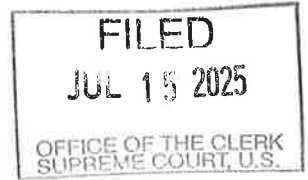


ORIGINAL



No. 24-1121

**In the Supreme Court of the
United States**

ROBERT S. CARLBORG, PETITIONER,

v.

UNITED STATES, RESPONDENT.

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

PETITION FOR REHEARING

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Pro Se

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PETITION FOR REHEARING

Petitioner Robert Carlborg petitions for rehearing of this Court's June 23, 2025, Order denying his petition for a writ of certiorari.

REASONS FOR GRANTING REHEARING

This Court's Rule 44.2 authorizes a petition for rehearing based on "other substantial grounds not previously presented." After its June 23, 2025, Order, this Court has issued six decisions that re-affirm support for petitioner's argument on the obligation of following precedent. See *Riley v. Bondi, Attorney General*, 606 U.S. ____ (2025) ("we must nevertheless follow the statutory text and our prior precedents"), *Medina, Director, South Carolina Department of Health and Human Services v. Planned Parenthood South Atlantic et al.*, 606 U.S. ____ (2025) ("The Court properly applies our precedents to resolve the question presented.") (Thomas, J. concurring in judgment), *Mahmoud v. Taylor*, 606 U.S. ____ (2025) ("Yoder is an important precedent of this Court, and it cannot be breezily dismissed"), *FCC v. Consumers' Research*, 606 U.S. ____ (2025) ("But this Court's precedents foreclose that argument"), *Kennedy, Secretary of Health and Human Services, et al., v. Braidwood Management, Inc., et al.* 606 U.S. ____ (2025) ("this Court's precedents preordain the conclusion"), and *Trump, President of the United States, et al. v. Casa, Inc., et al.*, 606 U.S. ____ (2025) ("which is at odds with more than two centuries' worth of precedent not to mention the Constitution itself.")

The precedent established by this Court in *Loper Bright Enterprises v. Raimondo*, 603 U.S. ____ (2024) was published after the trial court in petitioner's case issued its opinion and before the court of appeals delivered its decision. See *U.S. v. Schooner Peggy*, 5 U.S. 103, 110 (1801)("[I]f subsequent to the judgment and before the decision of the appellate court, a law intervenes and positively changes the rule which governs, the law must be obeyed or its obligation denied."). *Loper Bright* speaks directly to the core of petitioner's case regarding statutory analysis in that the military's interpretation of its own regulations is no longer afforded the same deference as pre-*Loper Bright*. The decision of the court of appeals reflexively rubber stamped that of the trial court's, thus the court did not consider the new precedent.

Additionally, the trial court opinion applied a harmless error standard the military put forth that is directly contradicted by binding precedent in *Wagner v. United States*, 365 F.3d 1358 (Fed. Cir. 2004). Subsequently, the court of appeals did not follow *stare decisis* to correct this error by adhering to its own precedent, let alone even acknowledging the existence of it as *Wagner* is not addressed within the court's opinion. This action has deprived petitioner the property interest in his military retirement as it has circumvented his right of due process. Once an occasion like this arises, the only recourse left for a party is found within the Court's Rule 10(a) when "a United States court of appeals . . . 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." *Payne v. Tennessee*, 501

U.S. 808, 828 (1991)(“Considerations in favor of *stare decisis* are at their acme in cases involving property and contract rights”).

Petitioner’s case is not an appropriate vehicle for briefing and oral arguments to obtain a formal Court decision, but it is the exact type of vehicle appropriate for summary disposition by the Court to grant certiorari, vacate, and remand (GVR) through its supervisory power under Rule 10(a). The Court has issued at least 13 GVRS to consider *Loper-Bright*, one as recently as this past January.

CONCLUSION

For the foregoing reasons, and those stated in the petition for a writ of certiorari, the Court should grant rehearing and GVR to the court of appeals for further consideration in light of *Loper Bright Enterprises v. Raimondo*, 603 U.S. ____ (2024) and direct the court of appeals to render a decision that takes into consideration its own precedent in *Wagner v. United States*, 365 F.3d 1358 (Fed. Cir. 2004).

Respectfully submitted,


ROBERT S. CARLBORG
Pro Se

JULY 2025

CERTIFICATE OF PETITIONER

I hereby certify that this Petition for Rehearing is presented in good faith and not for delay and is restricted to the grounds specified in Rule 44.2.

Robert S. Cully

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June 30, 2025

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Washington, D.C. 20002

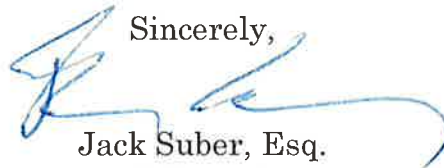
RE 24-1121: ROBERT CARLBORG V. UNITED STATES

Dear Sir or Madam:

As required by Supreme Court Rule 33.1(h), I certify that the Petition for Rehearing referenced above contains **669** words, excluding the parts of the document that are exempted by Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct.

Sincerely,



Jack Suber, Esq.
Principal



Sworn and subscribed before me this 15th day of July 2025.

Lisa K Nicholson

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July 15, 2025

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1 First Street, NE
Washington, D.C. 20002

RE 24-1121: ROBERT S. CARLBORG V. UNITED STATES

Dear Sir or Madam:

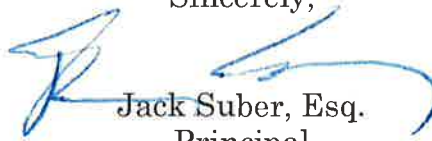
I certify that at the request of the Petitioner, on July 15, 2025, I caused service to be made pursuant to Rule 29 on the following counsel for the Respondent:

RESPONDENT:

D. John Sauer
Solicitor General
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This service was effected by depositing three copies of a Petition for Rehearing in an official "first class mail" receptacle of the United States Post Office as well as by transmitting digital copies via electronic mail.

Sincerely,


Jack Suber, Esq.
Principal

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SUPREME COURT, U.S.



Sworn and subscribed before me this 15th day of July 2025.

