

No. 24-6867

IN THE SUPREME COURT OF THE UNITED STATES

CARLTON ROARK ("ROARK")

Petitioner,

v.

SAN DIEGO COUNTY CREDIT UNION ("SDCCU"), ET AL,

Respondents,

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT, CASE NO. 23-55750

PETITION FOR REHEARING

Carlton Roark, Petitioner, Pro Se
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Carlton Roark respectfully petitions under Rule 44.2 for rehearing of this Court's May 5, 2025 Order denying his petition for writ of certiorari, based on "...intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented" and based on issues of significant national importance.

REASONS FOR GRANTING REHEARING

The merits of Roark's petition for writ of certiorari strongly favored certiorari, independent of "...intervening circumstances of a substantial or controlling effect...". However, "...intervening circumstances of a substantial or controlling effect..." occurred on April 10, 2025; in *Noem v. Abrego Garcia*, 24A949 (Sup. Ct. 2025), forty days after Petitioner filed his cert. petition for consideration by this Court.

Without a rehearing to grant certiorari, this Court will be on record as advocating due process for a non-citizen under the Alien Enemies Act, in *Noem v. Abrego Garcia*, 24A949 (Sup. Ct. 2025), while to the contrary, allowing the Ninth Circuit to affirm a U.S. District Court order that allowed officers of the court for opposing parties in conspiracy with each other "...to [fraudulently] influence, obstruct, or impede, the due administration of justice...", in violation of the 2nd prong of 18 U.S.C. §1503(a), in a conspiracy against rights, in violation of 18 U.S.C. §241, to deny due process to Roark, a U.S. citizen, who is not the subject of any action under the Alien Enemies Act.

This Court, having considered Roark's cert. petition, is also aware the foregoing was used to criminally secure terminating sanctions against him, a former employee and U.S. citizen, to strip him of due process, and a trial by jury (in two state trial courts and a federal trial court), in furtherance of enforcing the legally unenforceable

ant-whistleblower provision shown below used by Respondent SDCCU in confidential employee separation agreements to conceal financial institution wrongdoing, in

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Exhibit G
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Employee agrees that he will not engage in the following activities: (1) Raise allegations of wrongdoing against SDCCU with any governmental agency; and/or (2) Incite other persons and/or entities to raise allegations of wrongdoing against SDCCU.

which those terminating sanctions were also used to have a nondischargeable default judgment imposed on Roark in retaliation for alleged whistleblowing, that is now over \$1,000,000 with accruing interest, an economic death penalty for him and his family.

This Court previously denied Roark's cert. petition for the foregoing, and allowed a U.S. District Court ruling (line 5—6, p. 15, Appx. C of cert. petition) affirmed by the Ninth Circuit (Appx B and A of cert. petition), to stand, that stated evidence proving officers of the court had concealed from state and federal courts, their use of tainted evidence in a 2011 state trial court from a non-neutral computer forensic expert, was evidence that "...only revealed a disqualifying conflict of interest..." that did not justify disqualifying everything, much less anything, secured by it.

The Court's denial of certiorari is disconcerting because evidence of the criminal scheme to deny Roark due process, was admitted and not denied in Bankruptcy Court after July 11, 2022 by officers of the court for Respondents SDCCU, CCU/NICU, and a bankruptcy trustee, as cited in Roark's cert. petition, as follows:

- A. Per evidence in the record cited in Roark's cert. petition, the officer of the court for Respondent SDCCU stated the following in an opposition brief to Roark's motion in a bankruptcy adversary trial court, about the early-to-mid 2014 extrinsic fraud on the court scheme in a 2011 state trial court by officers of the court for three opposing parties—"...regardless of whether Sevel actually tampered with Roark's hard drive or whether there was a conspiracy to conceal Sevel's conflict of interest ..." , to then (in defense of the foregoing) refer to what an August 7, 2015 extrinsic fraud on the court scheme by officers of the court for the same opposing parties allowed them to falsely deny and conceal from that 2011 state trial court, and;
- B. per the evidence in the record cited in Roark's cert. petition, the officer of the court for Respondent CCU/NICU admitted in a bankruptcy adversary trial court motion hearing on September 14, 2022 about the officers of the court for three opposing parties who previously defrauded state and federal courts about their concealed use of tainted evidence obtained from a non-neutral computer forensic expert, that it was "...nothing..." because "...everybody knew..." and "...squared it away." with themselves to assent to it (but not Roark), which was *not* denied by officers of the court for Respondents SDCCU and bankruptcy trustee with a conflict of interest.

Without a rehearing and certiorari, this Court will allow lower court orders to stand, as follows, which are issues of significant national importance:

- a. Precedent allowing officers of the court to use tainted evidence from a non-neutral computer forensic expert with a "...[concealed] disqualifying conflict of interest...", to further undermine trust in the justice system of this country.

b. Precedent that allows officers of the court to cite court orders based on tainted evidence from a non-neutral computer forensic expert with a "...[concealed] disqualifying conflict of interest...", for use in other unlawful acts (e.g., concealing a financial institution's corrupted account with the Federal Reserve).

This petition demands rehearing and certiorari to demonstrate that this Court will not tolerate the concealed use by officers of the court of tainted evidence from a non-neutral computer forensic expert with a "...[concealed] disqualifying conflict of interest..." according to the lower court, more so to criminally secure terminating sanctions in order to strip a U.S. citizen of due process and other rights under the U.S. Constitution (and state and federal laws) to conceal financial institution crimes.

Without a rehearing to grant certiorari, this Court will also be in conflict with prior long-held U.S. Supreme Court rulings against fraud, as follows:

1. In Boyce's Executors v. Grundy, 28 U.S. 210, 220 (1830), the U.S. Supreme Court stated that "fraud, ... vitiates every thing.", contrary to the lower court rulings this Court is thus far allowing to stand, and;
2. in Chambers v. Nasco, Inc. 501 U.S. 32 (1991), the U.S. Supreme Court stated conduct such as "...fraud upon the court..." was sanctionable, but this Court has thus far allowed lower court rulings to stand, that did not impose sanctions on officers of the court for "...fraud upon the court...", but allowed officers of the court to preserve everything secured from their "...fraud upon the court...", that worse yet, was in furtherance of enforcing a legally unenforceable anti-whistleblower provision intended to conceal financial institution wrongdoing, and;

3. in Nudd v. Burrows 91 U.S. 426, 440 (1875), the U.S. Supreme Court stated that "Fraud destroys the validity of every thing into which it enters. It affects fatally even the most solemn judgments and decrees." contrary to the lower court rulings this Court is thus far allowing to stand, and;
4. in United States v. Throckmorton, 98 U.S. 61, 64 (1878), the U.S. Supreme Court stated that "Fraud vitiates the most solemn contracts, documents and even judgments," contrary to the lower court rulings this Court is thus far allowing to stand, and;
5. in Levine v. United States, 362 U.S. 610, 80 S.Ct. 1038 (1960), citing Offutt v. United States, 348 U.S. 11, 14, 75 S.Ct. 11, 13 (1954) 31, the U.S. Supreme Court stated that "justice must satisfy the appearance of justice", that contrary to the lower court rulings this Court is thus far allowing to stand, went far beyond not satisfying "...the appearance of justice", but to allow corruption of the judicial process, admitted and not denied, by officers of the court.

Petitioner prays that his rights guaranteed by, the United States Constitution and the history of rulings by the U.S. Supreme Court in support thereof, will be honored, and not disregarded, by this Court.

Respectfully submitted,

May 13, 2025

Date Executed


Carlton Roark, Petitioner Pro Se

RULE 44.2 CERTIFICATE

Pursuant to Rule 44.2, the undersigned hereby certifies that the attached petition for rehearing of an order denying writ of certiorari is restricted to the grounds specified in Rule 44.2: it is limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented.

Petitioner further certifies that the attached petition is presented in good faith and not for delay.

By: 
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PROOF OF SERVICE

Carlton Roark, Petitioner, Pro Se
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I, Carlton Roark, do swear or declare that on this date, May 13, 2025, as required by U.S. Supreme Court Rule 29, I have served the enclosed PETITION FOR REHEARING and RULE 44.2 CERTIFICATE on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served, are as follows:

Lisa Yun Pruitt, attorney and J. Barrett Marum, attorney, (appointed a Bankruptcy Court Judge in August of 2024), for Respondent, San Diego County Credit Union

c/o Sheppard Mullin Richter & Hampton LLP
12275 El Camino Real, Suite 100, San Diego, CA 92130-4092
Email: lpruitt@sheppardmullin.com / Phone: (858) 720-8900

Christin Batt, attorney for Respondent, Leslie T. Gladstone, Chapter 7 bankruptcy Trustee

c/o Financial Law Group
5656 La Jolla Boulevard, La Jolla, CA 92037
Email: ChristinB@flgsd.com and LeslieG@flgsd.com / Phone: (858) 454-9887

Susan Stevenson, attorney and Gerald N. Sims, attorney, for Respondent, North Island Credit Union, a division of, and, California Credit Union

c/o Pyle Sims Duncan & Stevenson
1620 Fifth Avenue, Suite 400, San Diego, CA 92101
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Under the penalty of perjury, I declare the foregoing is true and correct to the best of my knowledge and ability.



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Executed: May 13, 2025