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OFFICE OF THE CLERK
SUPREME COURT, U.S.

No. 25-6645

IN THE
Supreme Court of the United States

LA'SHAUN CLARK

Petitioner,

v.

NEW YORK CITY HOUSING AUTHORITY,
NEW YORK INSULATION & ENVIRONMENTAL SERVICES INC,
JLC ENVIRONMENTAL CONSULTANTS INC.

Respondents.

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

PETITION FOR REHEARING

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PETITION FOR REHEARING

Pursuant to Rule 44 of this Court, the Petitioner-Plaintiff Respectfully Comes now before the Honorable United States Supreme Court to petition for rehearing of the denial of certiorari in Docket No. 25-6645 entered on March 23, 2026. Petitioner hereby prays for petition for rehearing of this case before a full Nine-Member Court to Grant, Reverse and Remand to the Circuit Court to rule upon the 28 USC 351 judicial misconduct complaints **02-25-90112-jm** and **02-25-90113-jm**

dated October 7, 2025 received by the 2nd. circuit court on November 5, 2025 by Deputy Clerk Dina Kurot that remains currently non-adjudicated and unresolved as it was never ruled upon regarding the judges judicial misconduct allowing defendants attorneys hired by the indemnifying insurance companies to magistrate Judge shop, that involved respondent-defendants and their

indemnifying insurance companies Collusion with SDNY ECF Docket Clerk “ Lourdes Aquino “ (laq) who illegally changed the random Magistrate Judge assignment on April 8, 2024 without any jurisdiction acting out of the scope of Authority in which an ECF Docket Clerk does not possess any legal authority to alter a judges signed order nor does an ECF docket clerk have the legal authority or power to intentionally alter the random judge case assignment to a specific judge who owns stock in a defendant’s indemnifying insurance company on behalf of the defendant- respondents attorneys hired by the defendant-respondents indemnifying insurance companies, in which the district Court judge and the Magistrate Judges spouse (Antony L. Ryan Esq.) both have significant financial partnerships with said Indemnifying insurance companies receiving thousands of dollar annually from the defendants indemnifying insurance company AIG See Appendix F- Pet. App. 6a which the district judge Analisa Torres’s spouse (Stephen C. Whitter) see Appendix F Pet. App. 6a who

broker’s stock for the indemnifying insurance company AIG having an ongoing significant financial interest in the defendant’s indemnifying insurance company AIG as well as Judge Analisa Torres owning stock with respondent defendant NYIES indemnifying insurance company AIG. Under 28 USC 351 the chief Judge of the circuit is required by law to provide a written order for the decision of the chief judge of the circuit and after that if the decision is that the chief Judge of the Circuit decides

to not investigate but dismisses the judicial misconduct complaint I am legally entitled under 28 USC 351 to file a petition for review with the judicial council of the second circuit which is currently comprised of 13 members one of them being 2nd. Circuit panel Judge Raymond Joseph Lohier Jr. who was one of the judges to decide my appeal and happens to have a significant financial interest in the defendant-respondent NYIES's indemnifying insurance company AIG showing on his 2020 financial disclosure owning an IRA AIG American Pathway (Annuity). In which I did not know of until after oral argument had already taken place on December 17, 2025, as I did not know of who the panel judges were until the day of oral argument. The December 22, 2025 Summary order Pet.App. 1a of the Second Circuit Court of Appeals decision never addressed the issue surrounding the defendant-respondents magistrate judge shopping See Pet. App. 1a there is absolutely no findings addressing the evidence of the illegal assignment of the magistrate judge being changed by the Pro Se/ ECF docket Clerk Lourdes Aquino on April 8, 2024 which I believe that this court should Grant, vacate and remand back to the 2nd. Circuit court of appeals to decide because it was certainly argued on appeal case 25-486 and was the subject of the the still non-adjudicated 28 USC 351 judicial misconduct complaints. The following numbered stated arguments legally supports why this Court should grant rehearing as there is a circuit split as to the rules surrounding transparency, accountability and fairness to the implementation and adherence of rules as to 28 U.S.C. § 455 conflicts. There should be complete uniformity in all the circuits as to the rules to support

the implementation to uphold the substantial constitutional rights of due process to an impartial tribunal afforded by the XIV Amendment of the U.S. Constitution.

1. This case involves great nationwide importance as to the integrity of the entire judicial system and the fundamental Substantial Constitutional Rights to due process that is being repeatedly violated regarding judge shopping that is demonstrably a systemic cataclysmic threat to the fairness of the judiciary as a whole. Petitioner believes that this court has overlooked two very important aspects of the petition as to this Courts well established precedent *Erie Railroad Co. v. Tompkins (1938)* and the new rules enacted by the U.S. Supreme Court on February 17, 2026 regarding the enforcement of adherence to Conflict of Interests laws that now require automated recusal checks by comparing the information about parties and attorneys in a case with lists created by each justice's chambers," and adopting revisions to the Rules of the Supreme Court of the United States relating to parties' disclosure obligations. Effective March 16, 2026, the rules impose new disclosure requirements,

some of which are already familiar to lower court practitioners, but that every Supreme Court practitioner must now be aware of. The rules changes implements a system to aid the U.S. Supreme Court to review for potential conflicts of interests in thousands of cases where litigants are petitioning the U.S. Supreme Court for review yearly that may involve multi-party litigation. The majority of the

changes is created to assist with the functioning of the recent newly developed software to aid in identifying potential conflict of interests for the justices of the United States Supreme Court. The 9th. Circuit and 11th. Circuit Court's also have similar rules and procedures in place to ensure to avoid conflicts of interests, requiring stock ticker symbols as part of Corporate Disclosure Statements or Certificates of Interested Persons (CIP), to ensure an efficient and proactive review of 28 U.S.C. § 455 conflicts.

The 9th. Circuit has a conflict of interest's procedure Circuit Rule 26.1-1 Disclosure Statement with the Purpose of 28 U.S.C. § 455 which describes the circumstances that require judges to disqualify themselves from proceedings as well as the 11th. Circuit which has a certificate of interested persons (CIP) requirement in which is a Circuit Rule to provide judges with the information they need to determine whether to disqualify themselves. There is no reason why only the U.S. Supreme Court, the 9th. Circuit and the 11th. Circuit are the only jurisdictions that require such disclosures. This creates a circuit split that allows for non-uniform rules regarding disclosures to prevent conflicts of interests as it is obviously necessary for these additional requirements as 28 U.S.C. § 455 that requires judges to disqualify in cases in which their impartiality might reasonably be questioned as 28 U.S.C. § 455 by itself is not solely effective in ensuring that Judges disqualify in cases where they have conflicts of interests otherwise there would not be any additional

need for the newly implemented rules that took effect on March 16, 2026 as to the U.S. Supreme Court. The 9th. and 11th. Circuits are already implementing and requiring these additional disclosures while all other circuits are not, this non uniformity and circuit split allows for litigants in other circuits to be treated differently violating equal protection in their rights to have the same level of disclosure requirements to protect against judge's ruling over their cases who may have conflicts of interests. I don't personally believe that all judges intentionally violate 28 U.S.C. § 455 however, it is absolutely necessary for the public to have trust in the judiciary as why it is unequivocally important that all federal jurisdictions and all circuits should be held to the same level of transparency and scrutiny as the United States Supreme Court, the 9th. Circuit and the 11th. Circuits as to having the same or similar software and disclosure tools to aid judges in identifying potential conflicts of interests and to afford equal protection rights of such conflict of interests disclosure requirements to all litigants in all jurisdictions not just only in the U.S. Supreme Court, the 9th. Circuit and 11th. Circuit. This circuit split of non uniform conflict of interests disclosure requirements will further encourage Judge shopping which is the very basis of my argument surrounding the magistrate judge shopping committed by the respondent-defendants lawyers and their indemnifying insurance companies collusion with the Pro Se ECF Docket Clerk Lourdes Aquino who without authority and without jurisdiction illegally changed the random magistrate judge assignment on April 8,

2024 changing it from Magistrate Judge Jennifer E. Willis to Robyn F. Tarnofsky that the second circuit court of Appeals never ruled on in the summary order Pet. App. 1a that violated my constitutional rights to due process under the XIV Amendment of the U.S. Constitution as to the right to an impartial tribunal.

2. Rules Enabling Act of 1934 (28 U.S.C. §§ 2071–2077) authorizes the U.S. Supreme Court to prescribe uniform rules of practice, procedure, and evidence for federal courts. It revolutionized federal litigation by replacing a patchwork of state-conformed procedures with standardized rules, while prohibiting the alteration of substantive rights.

Substantive vs. Procedural Boundary: Erie compels the use of state substantive law. The REA permits the creation of federal procedural rules, provided they do not "abridge, enlarge or modify any substantive right" (28 U.S.C. § 2072).

Conflict Resolution (Hanna v. Plumer): If a Federal Rule of Civil Procedure directly conflicts with state law, the court applies the REA analysis (Hanna v. Plumer), which largely validates the federal rule if it is arguably procedural.

Conflict Resolution (Erie/Rules of Decision Act): If no Federal Rule directly conflicts, the court uses the Erie doctrine (often through the Rules of Decision Act) to choose state law to avoid inequitable outcomes.

The "Outcome-Determinative" Test: Under Erie, if applying a federal practice instead of a state rule would change the outcome of the case, the federal court should generally follow the state law. The REA reinforces this by restricting federal rules from creating a different outcome by altering substantive rights.

3. New York law CPLR 214-C two injury rule for a separate and distinct disease is a substantive state law allowing for a renewed running of the statute of limitations from the discovery of a second separate and

distinct injury caused by a single exposure allowing a second lawsuit to be brought for a latent separate and distinct disease injury caused by exposure to a toxic substance, thus the Second circuit affirming the district court's ruling on the grounds of collateral estoppel (issue preclusion) blatantly defies and violates the Erie doctrine as the case was brought under diversity of citizenship jurisdiction under New York state law of CPLR 214-C two injury rule for a latent separate and distinct disease injury (silicosis). The Second Circuit's Summary order decision Pet. App. 1a applying collateral estoppel directly defies Erie in the fact that it's decision is discriminatory due to the fact that it explicitly discriminately enforces an inequitable outcome because if I would have filed the suit in New York State court a different outcome would be reached. The Second Circuit outright ignored the state law by basing its decision of affirming on the grounds of collateral estoppel due to a previous case brought by the petitioner-plaintiff in a previous federal diversity of citizenship jurisdiction case that was based on the same toxic exposure for a different injury however the Substantive New York State law CPLR 214-C two injury rule allows exactly that, that a Second lawsuit is allowed from exposure to a toxic substance stemming from a single exposure that causes a LATENT, SEPARATE AND DISTINCT DISEASE INJURY. Collateral Estoppel cannot apply for an injury that was not and could not have been litigated otherwise there would be no reason for the enactment of New York's two injury rule for a latent separate and distinct disease. *Erie Railroad Co. v. Tompkins (1938)* requires that a federal court must apply the substantive state law in diversity of citizenship jurisdiction cases unless there is a federal law that preempts state law and in this case there is no federal law that supersedes the substantive New York State law CPLR 214-C two injury rule for a latent separate and distinct disease injury thus the New York law must be applied as written. The Second circuit

never even decided nor even mentioned New York State law CPLR 214-C two injury rule in the Summary order Pet. App. 1a which was the very law in which my claims were pled in the pleadings of the complaint filed March 1, 2024 in the SDNY.

4. The Rules of Decision Act was passed on September 24, 1789, as Section 34 of the original Judiciary Act of 1789. Signed into law by President George Washington, this foundational statute mandates that federal courts apply state substantive law when hearing cases under diversity jurisdiction, provided no federal law applies. Currently codified at 28 U.S.C. § 1652. The purpose is to prevent forum shopping and ensure the fair application of state laws in federal courts. The act states that, outside of scenarios governed by the U.S. Constitution, treaties, or acts of Congress, the laws of the several states are to be regarded as "rules of decision" in federal civil actions. Therefore, the Second Circuit Court of Appeals summary order decision Pet. App. 1a blatantly ignored the the rules of decision act, the Erie doctrine and flagrantly ignored the New York state law CPLR 214-C two injury rule for a latent separate and distinct disease injury that is the very basis in which my claims were pled and because the New York law CPLR 214-C two injury rule is outcome determinative the Second Circuit's failure to review and failure to provide an analysis of New York law CPLR 214-C two injury rule in the Summary order Pet. App 1a warrants the U.S. Supreme Court to GRANT, VACATE AND REMAND for further proceedings.

CONCLUSION

The Petition for rehearing should be granted.

Respectfully Submitted,
/s/ La'Shaun Clark Pro Se
IFP- Petitioner Plaintiff
6313 E. Shore Circle
Douglasville, GA 30135
Tel: 678-654-9565
Email: Zavion00@msn.com
Date: April 13, 2026

CERTIFICATE OF COUNSEL

As a Pro Se IFP-Petitioner Plaintiff, I hereby
Certify that this petition for rehearing is presented in
good faith and not for delay and is restricted to grounds
specified in Rule 44.2

A handwritten signature in black ink, reading "La'Shaun Clark", written over a horizontal line.

La'Shaun Clark
Date: April 13, 2026

No. 25-6645

IN THE
SUPREME COURT OF THE UNITED STATES

La'Shaun Clark — PETITIONER
(Your Name)

New York City Housing Authority vs.
New York Insulation & Environmental Services Inc.
JLC Environmental Consultants Inc. — RESPONDENT(S)

PROOF OF SERVICE

I, La'Shaun Clark, do swear or declare that on this date, April 13, 2026, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI (REHEARING) 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:

- ATTY: Miriam Skolnik Herzfeld & Rubin, P.C.
17 State Street Ste 2400 New York, NY 10004 - Respondent Defendant (New York City Housing Authority)
Email: mskolnik@herzfeld-rubin.com

- ATTY: Richard E. Leff BBC Law, LLP
90 Broad Street Sulte 1906 New York, NY 10004 -Respondent Defendant (New York Insulation & Environmental Services Inc.)
Email: rleff@bbclawfirm.com

- ATTY: Michael Schneider Kennedys CMK LLP 22 Vanderbilt Avenue Ste 2400 N.Y., N.Y. → Nitin Saint / Nitin.Saint@Kennedyslaw.com
10017 Email: Mickey.Schneider@kennedyslaw.com - Respondent Defendant (JLC Environmental Consultants Inc.)

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

Executed on April 13, 2026

La'Shaun Clark
(Signature)

**Additional material
from this filing is
available in the
Clerk's Office.**