

No. 25-683

IN THE
Supreme Court of the United States

PEYMAN ROSHAN, *Petitioner*,

v.

DOUGLAS R. MCCAULEY.

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

PETITION FOR REHEARING

PEYMAN ROSHAN

In Pro Per
1757 Burgundy Place
Santa Rosa, CA 95403
(415) 305-7847

TABLE OF AUTHORITIES

Cases

<i>Berg v. Davi</i> 130 Cal.App.4th 223 (2005).....	7
<i>Bravo v. Superior Court</i> , 57 Cal.Rptr. 3d 910 (2017)....	6
<i>Galette v. New Jersey Transport Corp.</i> , S. Ct. Nos. 24-1021, 24-1113 (March 4, 2026)	1, 7
<i>Gartrell Construction, Inc. v. Aubry</i> , 940 F.2d 437 (9th Cir. 1991)	5
<i>Hart v. Massanari</i> , 266 F.3d 1155 (9th Cir. 2001)....	12
<i>Kentucky W. Va. Gas Co. v. Pennsylvania Pub. Util. Comm’n</i> , 791 F.2d 1111 (3d Cir. 1986)	5
<i>Middlesex County Ethics Comm. v. Garden State Bar Assn</i> , 457 U. S. 423 (1982)	8, 10, 11
<i>New Orleans Public Serv., Inc. v. Council of New Orleans</i> , 491 U.S. 350 (1989)	passim
<i>Seattle Pac. Univ. v. Ferguson</i> , 104 F.4th 50 (9th Cir. 2024)	2
<i>Sprint Communications, Inc. v. Jacobs</i> , 571 U.S. 69 (2013).....	2, 3

Statutes

Cal. Bus. & Prof. Code § 10177(f)	6
Cal. Bus. & Prof. Code § 6001(a).....	7
Cal. Bus. & Prof. Code § 6008.1(a)	8

I. PETITION FOR REHEARING GROUNDS

Pursuant to Supreme Court Rules, Rule 44, Petitioner Peyman Roshan hereby timely petitions for rehearing of this Court's February 23, 2026 denial of his Petition for a Writ of Certiorari.

This petition for rehearing is based on the controlling effect of this Court's intervening decision in *Galette v. New Jersey Transport Corp.* ("*Galette*"), S. Ct. Nos. 24-1021, 24-1113 (March 4, 2026), S. Ct. Nos. 24-1021, 24-1113 (March 4, 2026). In particular, under *Galette* the State Bar of California ("SBOC") can no longer be considered an arm of the state of California because it (a) was created as a public corporation, see Cal. Bus. & Prof. Code § 6001(a); and (b) the State of California is not liable for the debts of the SBOC, see *id.* at § 6008.1(a).

The underlying proceedings at issue in this case, reciprocal discipline by the California Department of Real Estate based on the SBOC administrative disciplinary proceedings, were a continuation of the SBOC administrative proceedings. The Petition attacked those continuation proceedings, in

this lawsuit, which was dismissed without prejudice on *Younger* abstention grounds.

Under this Court's precedent, whether or not proceedings are protected by *Younger* abstention depends on whether the initial proceedings are protected under *Younger* abstention, not the continuation proceedings. *Sprint Commc'ns, Inc. v. Jacobs*, 571 U.S. 69, 76 (2013) (for *Younger* abstention, looking at the nature of the "initial administrative proceeding"); and *New Orleans Public Serv., Inc. v. Council of New Orleans*, 491 U.S. 350, 369 (1989) ("NOPSI") (for *Younger* abstention, looking at the nature of the initial proceeding). Here, the initial proceedings were before the SBOC, which under *Galette* is no longer an entity that is an arm of the sovereign state of California. Accordingly, under *NOPSI* *Younger* abstention does not shield continuation proceedings from federal attack. The Ninth Circuit already recognizes *Sprint* overturned its prior application of *Younger* to municipal administrative proceedings. *Seattle Pac. Univ. v. Ferguson*, 104 F.4th 50, 65 (9th Cir. 2024)

In light of this Court's new authority, *Galette*, the Court should grant, vacate and remand ("GVR") this action to the Ninth Circuit for reconsideration.

**II. THE STATE BAR PROCEEDING,
WHICH THE DRE PROCEEDING
WAS A MERE CONTINUATION OF,
IS NOT THE TYPE OF
PROCEEDING TO WHICH
YOUNGER ABSTENTION APPLIES.**

This proceeding is a summary reciprocal professional licensure proceeding arising from the California State Bar attorney discipline proceedings challenged before this Court in *Roshan v. Cardona*, Application No. 25A937.

The initial challenges to both the California State Bar Court proceedings and the subsequent California Department of Real Estate reciprocal discipline proceedings were dismissed on grounds of *Younger* abstention.

In affirming the District Court's dismissal, the Ninth Circuit's opinion recognized "[T]hree 'exceptional' categories" of proceedings warrant *Younger* treatment: (1) "state criminal prosecutions," (2) "certain 'civil enforcement proceedings,'" and (3) "civil proceedings involving certain orders . . . uniquely in furtherance of the state courts' ability to perform their judicial functions" (citing *Sprint Commc'ns, Inc. v. Jacobs*, 571 U.S. 69, 78 (2013) (quoting *New Orleans*

Public Serv., Inc. v. Council of New Orleans, 491 U.S. 350, 368 (1989) (“*NOPSI*”). Petition for Writ of Certiorari (“Petition”), Appendix (“Appx.”) at A6. In concluding that *Younger* abstention applies because the California Department of Real Estate (“DRE”) proceedings are in the second category, the opinion recognized “[A] state actor is routinely a party to the state proceeding and often initiates the action,” *id.* (citing *Sprint* at 79). The opinion, however, makes no reference to, nor indicates omission of, the following statements *Sprint* makes immediately following that sentence the opinion cites:

See, e.g., *Ohio Civil Rights Comm'n v. Dayton Christian Schools, Inc.*, 477 U.S. 619, 106 S.Ct. 2718, 91 L.Ed.2d 512 (1986) (state-initiated administrative proceedings to enforce state civil rights laws); *Moore v. Sims*, 442 U.S. 415, 419-420, 99 S.Ct. 2371, 60 L.Ed.2d 994 (1979) (state-initiated proceeding to gain custody of children allegedly abused by their parents); *Trainor v. Hernandez*, 431 U.S. 434, 444, 97

S.Ct. 1911, 52 L.Ed.2d 486 (1977) (civil proceeding "brought by the State in its sovereign capacity" to recover welfare payments defendants had allegedly obtained by fraud); *Huffman*, 420 U.S., at 598, 95 S.Ct. 1200 (state-initiated proceeding to enforce obscenity laws).

Sprint v. Jacobs, *supra*, at 79.

Applying this framework, *Sprint* concluded the proceeding was not the type to which *Younger* applies, explaining:

It is not "akin to a criminal prosecution." Nor was it initiated by "the State in its sovereign capacity." A private corporation, Sprint, initiated the action. No state authority conducted an investigation into Sprint's activities, and no state actor lodged a formal complaint against Sprint.

Sprint v. Jacobs, *supra*, at 79 (citations omitted).

The above citations to this Court's holdings to which *Sprint* cites, and which the Ninth Circuit's opinion ignores, make clear

the proceedings must be initiated by the state.

Also in *NOPSI*, this Court applied the *Younger* abstention analysis to the initial proceeding, *NOPSI* at 369, and deemed the initial proceedings to be those which subsequent proceedings were “a mere continuation” of, *NOPSI* at 369..

Under California law, a subsequent proceeding is a continuation of the initial action, rather than a separate or independent action, if it involves substantially the same issues and matters necessarily relevant and material to the issues involved in the initial action. *Bravo v. Superior Court*, 57 Cal.Rptr. 3d 910 (2017).

The DRE proceeding was a summary reciprocal disciplinary proceeding based exclusively on a California statute authorizing DRE disciplinary actions based on disciplinary actions by another entity, the California State Bar (“State Bar”). Petition Appx. at A4, citing Cal. Bus. & Prof. Code § 10177(f). The DRE could have chosen other statutory disciplinary action methods than the reciprocal kind provided under § 10177(f), but opted for the summary reciprocal method where the administrative law judge is bound by the State Bar decision, see *Berg v. Davi*

130 Cal.App.4th 223 (2005), 232 (California courts considering reciprocal action by the California State Bar are “bound by the Supreme Court’s decision.”)

The DRE proceedings was, therefore, a mere continuation of the State Bar proceedings because DRE proceeding involved the same issues and matters necessarily relevant and material to the issues involved in the initial State Bar action.

A. Under *Galette*, The California State Bar Does Not Initiate Proceedings as An Arm of The State in the State’s Sovereign Capacity.

This Court’s intervening decision in *Galette* is controlling because *Galette* held two principles determine whether an entity is an arm of the state: how the state structured the entity and whether the state is formally liable for the entity’s debts or liabilities, *Galette* slip op. at 15-16.

Under *Galette*, the initial adjudicatory tribunal, the State Bar, is not a state actor in initiating a proceeding in its sovereign capacity because California structured the State Bar as a public corporation, Cal. Bus. & Prof. Code § 6001(a), and California law

makes the State Bar responsible for its own debts and liabilities, Cal. Bus. & Prof. Code § 6008.1(a).

The State Bar proceedings were, therefore, not initiated by a state actor and were not initiated by "the State in its sovereign capacity." So *Younger* abstention should not apply.

B. The California State Bar Proceedings Are Not Judicial In Nature.

NOPSI held:

While we have expanded *Younger* beyond criminal proceedings, and even beyond proceedings in courts, we have never extended it to proceedings that are not "judicial in nature." See *Middlesex County Ethics Comm. v. Garden State Bar Assn.*, 457 U. S., at 433-434 ("It is clear beyond doubt that the New Jersey Supreme Court considers its bar disciplinary proceedings as 'judicial in nature.' As such, the proceedings are of a character to warrant federal-court deference"). See also *Ohio Civil Rights Comm'n v. Dayton Christian*

Schools, Inc, 477 U. S., at 627("Because we found that the administrative proceedings in *Middlesex* were 'judicial in nature' **from the outset**, . . . it was not essential to the decision that they had progressed to state-court review by the time we heard the federal injunction case").

NOPSI at 369-370 (bold emphasis added).

To require, for the application of *Younger* abstention, that the initial proceeding must meet certain requirement avoids a "broad abstention requirement [that] would make a mockery of the [abstention] rule" *NOPSI* at 369. The focus on the nature of the initial proceeding in *NOPSI* is consistent with the requirement in *Sprint* that a proceeding must be "initiated by "the State in its sovereign capacity"" to qualify for protection under *Younger*.

The Ninth Circuit opinion cites to *Hirsh v. Justices of the Supreme Court of the State of Cal.*, 67 F.3d 708, 712 (9th Cir. 1995) stating that *Hirsh* "not[es] as relevant another California agency's authority to "conduct[] a formal hearing and make[] findings"." Petition Appx. at A8, fn. 2.

In *Hirsh*, the Ninth Circuit panel stated that

Appellants point to no relevant distinction between this procedure and that held to be judicial in nature in *Middlesex*, 457 U.S. at 433-34, 102 S.Ct. at 2522; see also *Partington v. Gedan*, 880 F.2d 116, 122 (9th Cir.1989) (attorney disciplinary proceedings conducted by an ethics committee or its equivalent under the auspices of the state supreme court are judicial for purposes of *Younger*).

Hirsh, *supra* at 712, citing *Middlesex County Ethics Comm. v. Garden State Bar Assn.*, 457 U. S. 423.

The *Hirsh* panel assumed, without analysis, that the California State Bar was an arm of the state exercising sovereign authority and protected by the aegis of California's sovereign immunity. *Id.* at 714-715. This assumption was wrong, and the difference between California State Bar and its State Bar Court disciplinary committees in New Jersey and Hawaii are obvious: California's State Bar is not an arm of the

state and cannot exercise of the judicial power of the sovereign, while the committees in New Jersey and Hawaii are special masters appointed by the State Supreme Court and thus exercise sovereign judicial power delegated to them. *See Middlesex, supra* at 434, fn. 13 (“The role of local ethics or bar association committees may be analogized to the function of a special master.”) These committees, unlike the California State Bar, are not legal corporations separate from the state and lack the full powers of a legal person; they are true arms of the state entitled to the benefits of the sovereignty delegated to them by the respective state legislatures and Supreme Courts.

The California State Bar proceedings are, therefore, not judicial in nature. So *Younger* abstention should not apply.

III. The Court Should Employ Its GVR Procedure.

The Court below should be bound by this Court’s authority:

Obviously, binding authority is very powerful medicine. A decision

of the Supreme Court will control that corner of the law unless and until the Supreme Court itself overrules or modifies it. Judges of the inferior courts may voice their criticisms, but follow it they must. *See, e.g., Ortega v. United States*, 861 F.2d 600, 603 & n. 4 (9th Cir.1988) ("This case is squarely controlled by the Supreme Court's recent decision.... [We] agree[] with the dissent that [appellant] deserves better treatment from our Government. Unfortunately, legal precedent deprives us of discretion to do equity.").

Hart v. Massanari, 266 F.3d 1155, 1171 (9th Cir. 2001).

Given the foregoing effects of the controlling intervening authority of *Galette*, and/or the substantial effects of on the applicability of *Younger* abstention to the state proceedings at issue, this Court should employ its authority to summarily order granting certiorari, vacating the judgment below, and remanding for reconsideration ("GVR").

IV. CONCLUSION

Based upon the foregoing, the Court should issue an order granting the petition for certiorari, vacating the Ninth Circuit's judgment, and remanding the case in light of *Galette*.

Dated this April 16, 2026.

Respectfully submitted,
Peyman Roshan
1757 Burgundy Place
Santa Rosa, CA 94503
(415) 305-7847

No. 25-683

In The
Supreme Court of the United States

PEYMAN ROSHAN, *Petitioner*,

v.

DOUGLAS R. MCCAULEY.

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

CERTIFICATE OF COMPLIANCE

I, Peyman Roshan, hereby certify pursuant to the Rules of the Supreme Court of the United States, Rule, Rule 44, that the grounds for the Petition for Rehearing are limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented, and that it is restricted to such grounds.



Peyman Roshan

No. 25-683

In The
Supreme Court of the United States

PEYMAN ROSHAN, *Petitioner*,

v.

DOUGLAS R. MCCAULEY.

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

CERTIFICATE OF WORD COUNT

I, Peyman Roshan, hereby certify that pursuant to Rule 33.1(h) of the Rules of this Court, the accompanying Petition for Rehearing, prepared using Century Schoolbook 12-point typeface, contains 1,930 words, excluding the parts of the document that are exempted by Rule 33.1(d). This certificate was prepared in reliance on the word-count function of the word-processing system (Microsoft Word) used to prepare the document.



Peyman Roshan

No. 25-683

In The
Supreme Court of the United States

PEYMAN ROSHAN, *Petitioner*,

v.

DOUGLAS R. MCCAULEY.

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

CERTIFICATE OF SERVICE

I, Peyman Roshan, hereby certify that on this 17th day of April, 2026, I caused three copies of the Petition for Rehearing and the Certificate of Word Count, to be served by United States Postal Service to opposing counsel Rachel J. Yoo, California Department of Justice, 300 South Spring St., Ste. 1702, Los Angeles, CA 90013, as counsel for respondent McCauley.



Peyman Roshan