No. __________

# In the Supreme Court of the United States

JASON EDWARD THOMAS CARDIFF,
Petitioner,

*v.*

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA, ET AL.,
Respondent.

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

## PETITION FOR WRIT OF CERTIORARI

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## QUESTIONS PRESENTED

This case presents the question whether a federal court may continue to rely on a record generated by a court-appointed officer in a pending criminal prosecution while declining to determine whether the officer committed fraud on the court in creating that record.

1. Whether allegations that a court-appointed officer committed fraud on the court by submitting false materials to a federal court present a judicial question that must be adjudicated by the court under its inherent authority to protect the integrity of judicial proceedings, rather than deferred to the ultimate fact-finder as an ordinary evidentiary dispute.

2. Whether postconviction review constitutes an adequate alternative remedy where the alleged fraud was committed by a deceased court-appointed officer and no later proceeding can reliably reconstruct the provenance, authenticity, alteration, transmission, or judicial use of the challenged materials.

## PARTIES TO THE PROCEEDING

Petitioner, defendant-petitioner below, is Jason Edward Thomas Cardiff.

Respondent is the United States District Court for the Central District of California. Respondent, plaintiff-respondent and real-party-in-interest is the United States of America.

## RELATED PROCEEDINGS

United States District Court (CD Cal.):

*United States of America* v. *Jason Edward Thomas Cardiff*, No. 5:23-cr-00021-JGB (pending)

*FTC* v. *Redwood Sci. Tech., Inc.*, et al. No. 5:18-cv-02104-DMG-PLA (civil FTC enforcement action before Judge Gee in which the Receiver was appointed)

United States Court of Appeals (CA9):

*In re Jason Edward Thomas Cardiff*, No. 25–5654 (Sept. 19, 2025) (mandamus denied)

*In re Jason Edward Thomas Cardiff*, No. 25–5654 (Jan. 20, 2026) (rehearing denied)

Supreme Court of the United States:

*Jason Edward Thomas Cardiff* v. *United States District Court for the Central District of California, et al.*, No. 25A1154 (Apr. 20, 2026) (time to petition for certiorari extended to June 19, 2026 by Justice Kagan)

**TABLE OF CONTENTS**

Appendix

## TABLE OF AUTHORITIES

### Cases

**Constitutional Provisions, Statutes, and Rules**

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## OPINIONS BELOW

The Ninth Circuit's order denying mandamus and its order denying rehearing are reproduced in the Appendix at App. 1–2 and 61. The district court's decisions are reproduced in the Appendix at App. 3–60.

## JURISDICTION

The Ninth Circuit's decision was entered on September 19, 2025. The Ninth Circuit denied rehearing on January 20, 2026. Justice Kagan extended the time to petition for certiorari to June 19, 2026. This Court has jurisdiction under 28 U. S. C. § 1254(1).

## CONSTITUTIONAL, STATUTORY, AND RULE PROVISIONS INVOLVED

U. S. Const., Art. III, § 1 provides:

> The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

U. S. Const., Art. III, § 1.

28 U. S. C. § 1651(a) (All Writs Act) provides: "The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law."

Fed. R. Civ. P. 60(d)(3) provides: "This rule does not limit a court's power to: [. . .] set aside a judgment for fraud on the court." This provision preserves the court's inherent authority to address fraud on the court regardless of procedural posture and independent of any other procedural mechanism.

## INTRODUCTION AND STATEMENT OF THE CASE

This petition presents a fundamental question concerning the allocation of authority between judge and jury and the judiciary's obligation to protect the integrity of its own proceedings. A federal district court was presented with allegations that a court-appointed receiver—an officer acting under authority delegated by the court itself—submitted false materials to the court. App. 4, 46–48. The district court did not determine whether those allegations were true. Instead, it held that they presented "inherently factual questions" that "invade the province of the ultimate finder of fact" and therefore should be left to the jury. *Ibid.* The question presented is whether allegations that a court-appointed officer corrupted the judicial process present a judicial question that the court must decide, or an evidentiary dispute that may be deferred to the jury while the court continues to rely upon the challenged record.

Petitioner Jason Cardiff is the defendant in a federal criminal prosecution that relies substantially on records gathered, maintained, and transmitted by a court-appointed receiver in a related FTC enforcement proceeding. The Receiver was not a private litigant or witness. He acted as an officer and agent of the court pursuant to judicial appointment.

Petitioner later alleged that the Receiver submitted false materials to the court while acting under that authority. App. 56–59. Because the challenged conduct involved a court-appointed officer, Petitioner argued that the allegations implicated the integrity of the judicial process itself rather than merely the reliability of particular documents. Mandamus Pet. at 21–28.

This petition does not ask the Court to revisit the receivership or any order entered in the civil proceeding. It presents a narrower question. When substantial allegations are raised that a court-appointed officer may have corrupted the judicial record, does the court have an obligation to determine whether fraud on the court occurred before continuing to rely upon the challenged materials, or may it defer that determination by treating the issue as a factual dispute for the jury?

The issue is especially important because the Receiver is deceased and the receivership has been dissolved. If the judicial record was corrupted by a court-appointed officer, no later proceeding can fully reconstruct the provenance, authenticity, alteration, transmission, or practical effect of the challenged materials during the active administration of the receivership.

The district court did not determine whether fraud on the court occurred. Instead, it held that the allegations presented "inherently factual questions" that "invade the province of the ultimate finder of fact" and therefore could not be resolved through Petitioner's pretrial motion. App. 47–48. The Ninth Circuit denied mandamus in a summary order without addressing whether fraud on the court by a court-appointed officer presents a judicial question requiring adjudication by the court.

The implications extend beyond this case. Federal courts routinely appoint receivers, trustees, special masters, and monitors whose actions shape the records upon which courts and litigants rely. If allegations that such officers corrupted the judicial process may be treated as ordinary evidentiary disputes for later jury resolution, the fraud-on-the-court doctrine loses much of its force.

This Court's review is warranted because the decision below leaves unresolved a recurring and important question concerning the administration of justice: whether a federal court may decline to decide allegations of fraud on the court by its own appointed officer by characterizing those allegations as factual disputes for the jury.

At minimum, this Court should grant, vacate, and remand under 28 U. S. C. § 2106 so that the courts below may consider the allegations under the governing fraud-on-the-court framework.

### A. The Receiver Was a Court-Appointed Officer Whose Records Became a Significant Source of Evidence in the Criminal Case

In 2018, the Federal Trade Commission filed a civil enforcement action against Petitioner Jason Cardiff and related entities. *FTC* v. *Redwood Scientific Technologies, Inc.*, No. 5:18-cv-02104 (CD Cal.). As part of that proceeding, the district court appointed a receiver and vested him with authority over the assets, records, and affairs of the receivership estate. The receivership orders expressly provided that "[t]he

Receiver shall be solely the agent of this Court in acting as Receiver under this Order." CA9 1 ER 171, 206.

The Receiver was therefore not an ordinary litigant, witness, or private custodian of records. He exercised authority delegated directly by judicial order and submitted reports and filings to the court in that capacity.

In September 2021, the Receiver filed an "IRS Claim Update" representing that the Internal Revenue Service had reduced a tax claim exceeding $2.7 million to approximately $64,000 and had decided to forgo the balance. App. 89–90. In support of that representation, the Receiver submitted materials purporting to reflect IRS-generated documents and communications. App. 91–95.

The receivership later terminated. The Receiver subsequently passed away, and the receivership estate was wound up pursuant to court order. *FTC* v. *Cardiff*, No. 5:18-cv-02104, ECF No. 281, 281-1 (CD Cal.).

In 2023, the United States filed a criminal indictment against Cardiff. *United States* v. *Cardiff*, No. 5:23-cr-00021-JGB (CD Cal.). Cardiff asserted that the documents, financial records, communications, and other materials forming a substantial part of the prosecution's evidentiary foundation were derived from the Receiver's work during the FTC proceeding. App. 46–47.

### B. Cardiff Presented Evidence Alleging That the Receiver Submitted False Materials to the Court

Cardiff later obtained IRS FOIA materials and related records that, in Cardiff's view, demonstrated that the IRS possessed no corresponding record of the purported amended claim, no record of any IRS authorization of the reduction reflected in the Receiver's filing, and no communications supporting the representation that the IRS had abandoned the larger claim. App. 62–66.

Cardiff thereafter submitted FOIA materials, declarations, IRS account records, and supporting exhibits alleging that the Receiver had submitted false IRS-related materials to the court while acting as a court-appointed officer. App. 65–66. Cardiff further submitted evidence that certain communications presented during the receivership proceedings had allegedly been altered before submission to the court. *Cardiff*, No. 5:18-cv-02104, ECF No. No. 231, 9–13.

Cardiff argued that these allegations implicated more than the accuracy of particular documents. Because the Receiver acted as an officer and agent of the court and had gathered, maintained, organized, and transmitted records throughout the receivership, Cardiff contended that the allegations raised a threshold question concerning the integrity of records generated and maintained under judicial authority. *Id.*, ECF No. 231 at 5–8, App. 46–47.

### C. The District Court Declined to Determine Whether Fraud on the Court Occurred

The district court denied Cardiff's motion to dismiss. The court did not determine whether the challenged IRS-related materials were authentic, whether the Receiver's representations were accurate, or whether fraud on the court had occurred. Nor did it conduct an evidentiary hearing concerning those allegations. App. 4, 46–48.

Instead, the court held that Cardiff's allegations raised "inherently factual questions" that "invade the province of the ultimate finder of fact" and therefore could not be resolved through a pretrial motion. App. 46–47.

Cardiff subsequently moved for reconsideration and presented additional FOIA materials and related evidence that he argued further supported the fraud-on-the-court allegations. App. 52–58. The district court considered those submissions but again declined to determine whether fraud on the court had occurred. Instead, it concluded that disputes concerning the challenged materials presented factual disputes inappropriate for resolution at the pretrial stage and reaffirmed its view that such issues were not properly adjudicated through Cardiff's motion. App. 56–58.

The district court therefore never resolved whether a court-appointed officer had submitted false materials to the court. Rather, both before and after the presentation of the additional evidence, the court adhered to the position that the allegations presented factual disputes reserved for the ultimate factfinder.

That ruling forms the basis of the question presented here: whether allegations that a court-appointed officer corrupted the judicial process present a judicial question that must be adjudicated by the court, or a factual dispute that may be deferred to the jury.

### D. The Ninth Circuit Denied Mandamus Without Addressing Whether Fraud on the Court Is a Judicial Question

Cardiff sought mandamus relief in the Ninth Circuit. *In re Cardiff*, No. 25–5654. The petition asked the court of appeals to direct the district court to adjudicate the fraud-on-the-court allegations as a judicial question before allowing the criminal case to proceed without any determination whether a court-appointed officer had submitted false materials to the court. Mandamus Pet. 6–8.

The mandamus petition addressed the *Bauman* factors, but its central contention was not that those factors should be reweighed. Cardiff argued that the district court committed clear legal error by treating allegations of fraud on the court as factual matters for the ultimate finder of fact rather than as a judicial-integrity issue requiring adjudication by the court. Mandamus Pet. 25–29. Cardiff further argued that postconviction review would not provide an adequate remedy because the asserted injury was the district court's refusal to perform a threshold judicial function before trial. *Id.* at 29–31.

The Ninth Circuit denied the petition on September 19, 2025, in a summary order. App. 1–2. The order stated in full: "[Cardiff] has not demonstrated a clear and indisputable right to the extraordinary remedy of mandamus. See *In re Mersho*, 6 F. 4th 891, 897 (CA9 2021); *Bauman* v. *U. S. Dist. Court*, 557 F. 2d 650 (CA9 1977). The petition is denied." App. 1–2.

The order did not address the threshold question presented here: whether allegations of fraud on the court by a court-appointed officer must be decided by the court or may instead be deferred to the jury. App. 1–2. It did not discuss *Hazel-Atlas*, *Universal Oil*, *Chambers*, or the district court's conclusion that the issue implicated factual questions reserved for the ultimate finder of fact. App. 1–2.

The panel's reliance on *In re Mersho* underscores the problem. *Mersho* involved mandamus review of a lead-plaintiff appointment decision under the Private Securities Litigation Reform Act. 6 F. 4th at 897. It did not involve fraud on the court, a court-appointed officer, criminal proceedings, or a district court's refusal to decide whether its own judicial process had been corrupted. App. 1–2.

Cardiff sought reconsideration and rehearing en banc. The Ninth Circuit denied both on January 20, 2026. Justice Kagan thereafter extended the time to file this petition to June 19, 2026.

## REASONS FOR GRANTING THE PETITION

### I. Fraud on the Court by a Court-Appointed Officer Presents a Judicial Question That Must Be Decided by the Court

This case does not ask whether Cardiff ultimately proved fraud on the court. It asks who must decide that question.

The district court did not determine whether the Receiver's representations concerning the IRS claim were accurate. It did not determine whether the Form 4490 and amended proof of claim were authentic. It did not determine whether the Receiver's conduct constituted fraud on the court. Instead, the court held that Cardiff's allegations presented "inherently factual questions" that "invade the province of the ultimate finder of fact." App. 46–47. The court therefore deferred the issue to the jury.

That ruling is inconsistent with this Court's fraud-on-the-court jurisprudence.

### A. Fraud on the Court Is Directed at the Integrity of the Judicial Process Itself

This Court has long recognized that fraud on the court differs fundamentally from ordinary disputes concerning evidence, witness credibility, or competing factual narratives. Fraud on the court is not merely an injury to an opposing litigant. It is an injury to the judicial process itself. In *Hazel-Atlas Glass Co.* v. *Hartford-Empire Co.*, 322 U. S. 238, 246 (1944), this Court explained that fraud on the court involves "far more than an injury to a single litigant" because it is "a wrong against the institutions set up to protect and safeguard the public." The Court emphasized that the public welfare demands that courts possess the ability to protect themselves from corruption of their own processes. *Ibid.*

This is not a collateral evidentiary dispute that could safely be deferred. The alleged fraud operated directly on the court's own claims distribution process. Acting under authority delegated by the receivership orders, the Receiver represented that the Internal Revenue Service had reduced or abandoned a multi-million-dollar tax claim and supported that representation with documents purporting to be IRS-generated materials bearing the receivership case information. App. 89–95.[1] The district court relied on those

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[1] The problem is compounded because the challenged conduct occurred within a Section 13(b) receivership framework that this Court later held exceeded the authority granted by Congress. See *AMG Capital Mgmt., LLC* v. *FTC,* 593 U. S. 67 (2021). The Receiver was therefore exercising extraordinary court-conferred powers in a proceeding that ultimately rested on an unauthorized statutory foundation. Petitioner alleges that the Receiver then used that authority to submit false IRS-related materials

representations in treating receivership funds as available for distribution or interpleader rather than payable to the IRS. Cardiff later obtained IRS records and sworn declarations indicating that the IRS possessed no corresponding records supporting the Receiver's filing. App. 62–66. If Cardiff's allegations are correct, the challenged conduct did not merely affect the evidentiary record; it altered the court's disposition of millions of dollars. App. 79, 82–83. That is precisely why fraud on the court must be addressed when discovered, not postponed until after the challenged judicial action has already become embedded in the record.

The Court reaffirmed that principle in *Universal Oil Products Co.* v. *Root Refining Co.*, 328 U. S. 575, 580 (1946), holding that courts possess an independent obligation to investigate and address corruption affecting the administration of justice. Likewise, in *Chambers* v. *NASCO, Inc.*, 501 U. S. 32, 43–46 (1991), this Court recognized the inherent authority of federal courts to protect the integrity of judicial proceedings and to respond to conduct that abuses the judicial process.

These authorities do more than recognize a court's power to remedy fraud on the court after the fact. They reflect the judiciary's continuing obligation to determine whether its own processes have been corrupted once substantial allegations of fraud by a court-appointed officer are presented. A court cannot

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that materially affected the court's disposition of millions of dollars. App. 79, 82–83. Those circumstances underscore the institutional importance of determining whether a court-appointed officer corrupted the judicial process while acting under color of judicial authority.

preserve the integrity of the judicial process by postponing that inquiry until after continued reliance on the challenged record.

Rule 60(d)(3) preserves that authority. It does not assign questions of fraud on the court to juries. It recognizes the judiciary's continuing power to determine whether its own processes have been corrupted.

### B. Allegations That a Court-Appointed Officer Corrupted the Judicial Process Require Judicial Determination

The concern is particularly acute when the alleged misconduct is attributed to a court-appointed officer. The Receiver was not an ordinary witness or litigant. The receivership orders expressly provided that he acted as an agent of the court. He exercised authority delegated by judicial order, maintained receivership records under court supervision, reported directly to the court, and submitted filings in his capacity as a court-appointed fiduciary. CA9 1 E.R. 171–177, 207–214.

When allegations of fraud are directed at a court-appointed officer acting pursuant to judicial authority, the issue extends beyond the credibility of a witness or the weight of evidence. The question becomes whether the judicial process itself was corrupted by an individual acting under color of judicial appointment.

That question is necessarily judicial in character. Courts determine whether fraud on the court occurred because the doctrine exists to protect the integrity of courts. The doctrine loses much of its force if a court may decline to decide whether its own appointed officer corrupted the judicial process by characterizing the issue as a factual dispute for later jury resolution.

### C. The District Court Applied Ordinary Pretrial Dismissal Standards Rather Than the Governing Fraud-on-the-Court Framework

The district court did not analyze Cardiff's motion under this Court's fraud-on-the-court precedents. It did not discuss *Hazel-Atlas*, *Universal Oil*, *Chambers*, Rule 60(d)(3), or the judiciary's inherent authority to determine whether its own processes have been corrupted. App. 46–48.

Instead, the court relied on *United States* v. *Shortt Accountancy Corp.*, 785 F. 2d 1448, 1452 (CA9 1986), *United States* v. *Lundstedt*, 997 F. 2d 665, 667 (CA9 1993), and *United States* v. *Jensen*, 93 F. 3d 667, 668 (CA9 1996). App. 47. Those decisions address ordinary pretrial dismissal standards and evidentiary disputes. None concerns fraud on the court. None involves a court-appointed officer. None addresses the inherent judicial authority recognized in *Hazel-Atlas*, *Universal Oil*, and *Chambers* to protect the integrity of judicial proceedings.

The distinction is significant. Cardiff's motion necessarily required the court to evaluate evidence bearing on the authenticity of documents submitted by a court-appointed officer and to determine whether that evidence established fraud on the court. Courts routinely perform that function when adjudicating fraud-on-the-court claims. The question presented by Cardiff's motion was not whether evidence had to be weighed. The question was who must perform that task.

Cardiff alleged that the Receiver submitted a Form 4490 and amended proof of claim representing that the Internal Revenue Service had reduced a tax claim from $2,787,989.73 to $64,232.36. App. 89–95. Cardiff then presented FOIA responses, sworn declarations, and supporting exhibits which, in Cardiff's view, demonstrated that the IRS possessed no records corresponding to that purported reduction and continued to assert liability based upon the substantially larger amount. App. 62–66. Adjudicating those allegations necessarily required the court to determine whether the challenged documents were authentic and whether the evidence established fraud on the court.

Cardiff argued that those determinations were judicial in nature because they concerned alleged misconduct by a court-appointed officer and the integrity of the court's own processes. The district court concluded instead that the issues presented "inherently factual questions" that "invade the province of the ultimate finder of fact." App. 46–47. The error, therefore, was not that the court was asked to weigh evidence. The error was concluding that the need to weigh evidence transformed a fraud-on-the-court issue into a jury question.

That conclusion cannot be reconciled with this Court's fraud-on-the-court precedents. *Hazel-Atlas* teaches that fraud directed at the judicial machinery itself is "a wrong against the institutions set up to protect and safeguard the public." 322 U. S. at 246. *Universal Oil* recognizes the judiciary's independent obligation to protect the administration of justice from corruption. 328 U. S. at 580. And *Chambers* reaffirms the inherent authority of federal courts to safeguard the integrity of their proceedings. 501 U. S. at 43–46. Those authorities contemplate judicial inquiry into alleged corruption of the judicial process—not deferral of the issue to the jury.

Cardiff's motion did not ask the district court to determine whether he was guilty or innocent of the charged offenses. It asked the court to determine whether allegations directed at the conduct of its own court-appointed officer required judicial adjudication under the fraud-on-the-court doctrine. By applying ordinary pretrial dismissal standards, the district court never addressed that distinct question.

## II. The Ninth Circuit Denied Mandamus Without Addressing the Governing Fraud-on-the-Court Framework

The mandamus petition presented a threshold legal question: whether a district court may decline to decide allegations of fraud on the court by a court-appointed officer by characterizing those allegations as factual issues for the ultimate finder of fact. Cardiff argued that the district court's ruling was inconsistent with this Court's fraud-on-the-court precedents and with the judiciary's inherent obligation to protect the integrity of its own proceedings. Mandamus Pet. 20–29.

The Ninth Circuit denied relief in a summary order. App. 1–2. The order stated only: "Cardiff has not demonstrated a clear and indisputable right to the extraordinary remedy of mandamus. See *In re Mersho*, 6 F. 4th 891, 897 (CA9 2021); *Bauman* v. *U. S. Dist. Court*, 557 F. 2d 650 (CA9 1977). The petition is denied." App. 1–2.

That order did not address the legal premise underlying the petition. It did not decide whether fraud on the court by a court-appointed officer presents a judicial question requiring adjudication by the court. It did not address the district court's conclusion that the issue involved "inherently factual questions" that "invade the province of the ultimate finder of fact." App. 46–47. And it did not discuss *Hazel-Atlas*, *Universal Oil*, *Chambers*, Rule 60(d)(3), or the inherent judicial authority those authorities recognize.

The omission matters because the *Bauman* factors cannot be applied in the abstract. The adequacy-of-remedy and clear-error inquiries depend on the nature of the right asserted and the error alleged. If fraud on the court by a court-appointed officer is a judicial question that must be decided by the court, then postconviction appeal is not an adequate substitute for that threshold judicial determination, and the district court's refusal to make that determination presents a different mandamus question than an ordinary evidentiary ruling.

The inadequacy of postconviction review is particularly apparent here. The alleged misconduct occurred during the administration of a federal equity receivership overseen by the district court. In December 2021, the district court entered an Order Re Windup of Receivership Estate directing the Receiver to file an interpleader action, dissolve the receivership, seek discharge, and terminate the asset freeze and receivership. CA9 1 E.R. 269–278. The court further directed disposition of remaining receivership assets through court-supervised procedures and ordered the return of certain property upon dissolution of the estate. CA9 1 E.R. 269–278.

Those facts materially distinguish this case from ordinary evidentiary disputes that may be reviewed after final judgment. As discussed above, the Receiver passed away, the receivership was wound up, and the remaining assets were distributed or transferred pursuant to judicially supervised procedures. Because the challenged conduct allegedly occurred while the Receiver was acting as an officer and agent of the court, no postconviction appeal can reconstruct with confidence the provenance, authenticity, collection, alteration, transmission, or practical effect of the challenged materials during the active administration of the receivership. The injury asserted here is therefore not limited to the future admission of evidence at trial. It concerns the integrity of a judicial record created by a court-appointed officer in a proceeding that has already concluded and cannot be recreated.

The panel's citation to *In re Mersho* underscores the problem. *Mersho* involved mandamus review of a district court's lead-plaintiff appointment decision under the Private Securities Litigation Reform Act. 6 F. 4th at 897. It did not involve fraud on the court, a court-appointed officer, a criminal prosecution, or a district court's refusal to decide whether its own judicial process had been corrupted. *Mersho* therefore did not answer the question presented here.

Nor did *Bauman* alone answer that question. Cardiff does not dispute that *Bauman* supplies the Ninth Circuit's general mandamus factors. The issue is that the panel applied those factors without addressing the legal framework that should have informed them. The petition did not ask the Ninth Circuit to second-guess an ordinary discretionary ruling. It asked the court to determine whether the district court had abdicated a judicial responsibility by assigning a fraud-on-the-court issue to the factfinder.

This Court's review is warranted because neither court below addressed the governing fraud-on-the-court framework. The district court treated the issue as one for the ultimate finder of fact. The Ninth Circuit denied mandamus without deciding whether that premise was consistent with this Court's precedents. The result is a criminal prosecution proceeding without any judicial determination whether allegations of fraud on the court by a court-appointed officer must be adjudicated by the court itself.

### III. This Court's Fraud-on-the-Court Precedents Establish an Important and Recurring Question Concerning the Judiciary's Obligation to Protect the Integrity of Its Own Proceedings

This case presents more than a dispute concerning the authenticity of particular documents. It presents a broader question concerning the judiciary's obligation to address allegations that its own processes have been corrupted by a court-appointed officer acting pursuant to judicial authority.

This Court's fraud-on-the-court decisions reflect a longstanding recognition that corruption of the judicial process presents an institutional injury requiring judicial attention. In *Hazel-Atlas Glass Co.* v. *Hartford-Empire Co.*, 322 U. S. 238, 246 (1944), this Court explained that fraud directed at the judicial machinery is not merely a private injury between litigants but "a wrong against the institutions set up to protect and safeguard the public." The Court's concern was not limited to the interests of the parties before it. Rather, the Court recognized that public confidence in the administration of justice depends upon the judiciary's ability to identify and address corruption affecting its own proceedings.

The same principle animated *Universal Oil Products Co.* v. *Root Refining Co.*, 328 U. S. 575 (1946). In *Universal Oil*, this Court addressed misconduct involving a court-appointed special master—an officer exercising authority derived from judicial appointment. The Court treated the matter as one implicating the integrity of the judicial process itself and reaffirmed the judiciary's inherent authority to investigate and remedy such misconduct. *Id.* at 580. The decision reflects the principle that when allegations concern the conduct of a court-appointed officer, the issue extends beyond the interests of the immediate litigants and implicates the institutional integrity of the tribunal.

Likewise, in *Chambers* v. *NASCO, Inc.*, 501 U. S. 32, 43–46 (1991), this Court reaffirmed that federal courts possess inherent authority to protect the integrity of their proceedings and to respond to conduct that abuses the judicial process. That authority exists because courts must remain capable of safeguarding the fairness and legitimacy of the proceedings over which they preside.

The question presented here is therefore neither novel nor fact-bound. Federal courts routinely appoint receivers, trustees, special masters, monitors, and other fiduciaries whose work product becomes part of the judicial record and informs judicial decision-making. Allegations that such officers have submitted false materials, altered records, or otherwise corrupted the judicial process are not unique to this case. The recurring question is whether those allegations present judicial questions requiring adjudication by the court, or factual questions that may be deferred to the jury.

This Court's review is warranted because the question extends far beyond the parties to this case. Under the reasoning adopted below, allegations that a court-appointed officer fabricated documents, altered records, or otherwise corrupted the judicial process need not be adjudicated by the court at all. Because such allegations invariably involve disputed facts, a court may simply characterize them as issues for the ultimate finder of fact and proceed without ever determining whether its own processes have been compromised.

That approach cannot be reconciled with *Hazel-Atlas*, *Universal Oil*, or *Chambers*. Those decisions rest on the premise that courts possess both the authority and the responsibility to determine whether fraud has been directed at the judicial machinery itself. If allegations of fraud on the court by a court-appointed officer may be deferred whenever they require factual findings, then the doctrine ceases to function as a safeguard of judicial integrity and becomes indistinguishable from an ordinary evidentiary dispute.

The consequences extend to every federal proceeding involving receivers, trustees, special masters, monitors, and other officers who act pursuant to judicial appointment. Their reports, records, and representations frequently become the basis for judicial action and, as here, may later form the foundation for other proceedings. The question whether courts must adjudicate allegations that such officers corrupted the judicial record before continuing to rely upon that record is a recurring and exceptionally important question concerning the administration of justice. This

Court's intervention is warranted to clarify the judiciary's obligation to protect the integrity of its own proceedings.

## IV. At Minimum, the Court Should Grant, Vacate, and Remand for Reconsideration Under the Governing Fraud-on-the-Court Framework

Even if this Court declines plenary review, the Court should grant the petition, vacate the judgment below, and remand for reconsideration under the governing fraud-on-the-court framework.

This Court has repeatedly employed the GVR procedure where there is a reasonable probability that the lower court's disposition rested upon a legal premise that warrants reconsideration in light of controlling authority. *Lawrence* v. *Chater*, 516 U. S. 163, 167 (1996); *Stutson* v. *United States*, 516 U. S. 193, 197–198 (1996); *Wellons* v. *Hall*, 558 U. S. 220, 225–226 (2010). A GVR is particularly appropriate where the lower court's decision does not reveal whether it considered the legal framework governing the issue presented.

That circumstance exists here. The district court did not determine whether fraud on the court occurred. Nor did it analyze Cardiff's allegations under *Hazel-Atlas*, *Universal Oil*, *Chambers*, or the judiciary's inherent authority to protect the integrity of its own proceedings. Instead, the court concluded that the allegations presented "inherently factual questions" that "invade the province of the ultimate finder of fact." App. 46–47. The reconsideration order confirms that this conclusion did not result from an undeveloped record. After Cardiff presented additional FOIA materials and related evidence directed specifically to the alleged fraud, the district court again declined to determine whether fraud on the court had occurred and instead reaffirmed its view that the allegations presented factual disputes inappropriate for pretrial adjudication. App. 56–58.

The Ninth Circuit's summary order likewise provides no indication that it considered whether allegations of fraud on the court by a court-appointed officer present a judicial question requiring adjudication by the court. The order cites only *Bauman* v. U. S. District Court, 557 F. 2d 650 (CA9 1977), and *In re Mersho*, 6 F. 4th 891 (CA9 2021), and does not discuss *Hazel-Atlas*, *Universal Oil*, *Chambers*, Rule 60(d)(3), or the district court's conclusion that the issue belonged to the ultimate finder of fact. App. 1–2.

The omission is significant. Cardiff's mandamus petition did not merely challenge the application of the *Bauman* factors. It presented the antecedent legal question whether a federal court may decline to decide allegations that its own court-appointed officer corrupted the judicial process by characterizing those allegations as factual issues for the jury. The Ninth Circuit's order gives no indication that it considered that question.

At a minimum, there is a substantial likelihood that both courts below analyzed the case as an ordinary evidentiary dispute rather than as an allegation of fraud on the court directed at the judicial machinery itself. Because the decisions below do not reveal whether the governing fraud-on-the-court framework was considered, a GVR would permit the Ninth Circuit to address that issue in the first instance.

Such a disposition would impose little burden on the parties or the courts below. It would merely allow reconsideration under the legal principles governing fraud on the court and the judiciary's obligation to protect the integrity of its own proceedings. At minimum, that course is warranted here.

## V. Federal Courts Treat Fraud on the Court as a Matter for Judicial Determination, Not Jury Deferral

Federal courts have consistently treated fraud on the court as an institutional doctrine directed at the court itself and adjudicated by the court in the exercise of its inherent authority. Cardiff is aware of no published decision holding that allegations of fraud on the court by a court-appointed officer may be deferred to the jury while the court continues to rely upon the challenged record.

That uniform understanding follows from the nature of the doctrine. Fraud on the court is not ordinary fraud, perjury, discovery misconduct, or a dispute about the weight of evidence. It is fraud that subverts the integrity of the judicial process itself. The Tenth Circuit describes it as fraud that "subvert[s] the integrity of the court itself" or is "perpetrated by officers of the court so that the judicial machinery cannot perform in the usual manner." *Weese* v. *Schukman*, 98 F. 3d 542, 552 (CA10 1996). The Eleventh Circuit uses the same formulation. *Travelers Indem. Co.* v. *Gore*, 761 F. 2d 1549, 1552 (CA11 1985). The Eighth Circuit similarly requires conduct that "seriously affects the integrity of the normal judicial process," distinguishing fraud on the court from ordinary evidentiary fraud between parties. *Landscape Props., Inc.* v. *Vogel*, 46 F. 3d 1416, 1421–1422 (CA8 1995).

Other circuits state the point in the same institutional terms. The Third Circuit requires intentional fraud by an officer of the court, directed at the court itself, that deceives the court in a way that corrupts the judicial process. *Herring* v. *United States*, 424 F. 3d 384, 386–87 (CA3 2005). The Sixth Circuit's formulation is similar: fraud on the court requires conduct by an officer of the court, directed to the judicial machinery itself, that deceives the court. *Demjanjuk* v. *Petrovsky*, 10 F. 3d 338, 352 (CA6 1993). The Ninth Circuit's own decisions are consistent with that understanding, treating fraud on the court as conduct affecting the court's ability to perform its impartial adjudicatory function. *Pumphrey* v. *K.W. Thompson Tool Co.*, 62 F. 3d 1128, 1130 (CA9 1995); *Levander* v. *Prober*, 180 F. 3d 1114, 1119 (CA9 1999); *United States* v. *Estate of Stonehill*, 660 F. 3d 415, 444 (CA9 2011); *United States* v. *Sierra Pac. Indus.*, 862 F. 3d 1157, 1167–68 (CA9 2017).

These authorities differ in phrasing, but not in principle. Fraud on the court exists to protect the tribunal and the judicial process. Its defining questions—whether an officer of the court acted falsely, whether the conduct was directed at the court, whether the court was deceived, and whether the judicial machinery was impaired—are questions courts adjudicate in exercising their inherent authority. They are not questions a court may avoid by labeling them "factual" and assigning them to the jury.

The decision below departs from that settled understanding. Cardiff alleged that a court-appointed receiver, acting as the court's agent, submitted false materials to the court and thereby corrupted the judicial process. The district court did not determine whether those allegations were true. Instead, it held that the allegations presented "inherently factual questions" that "invade the province of the ultimate finder of fact." App. 46–47. Cardiff later presented additional FOIA materials and related evidence in a motion for reconsideration. The district court again declined to determine whether fraud on the court had occurred, concluding that disputes concerning the challenged materials were not appropriate for pretrial resolution and were instead factual disputes for later adjudication. App. 56–58. The Ninth Circuit then denied mandamus without addressing whether that approach can be reconciled with the uniform body of fraud-on-the-court authority.

At minimum, the departure required explanation. No cited decision permits a district court to defer allegations of fraud on the court by a court-appointed officer to the jury while continuing proceedings on the challenged record. This Court's review is warranted to confirm that fraud on the court remains a judicial-integrity doctrine for courts to adjudicate, not an ordinary evidentiary issue for jury deferral.

## VI. This Case Presents a Clean Vehicle for Resolving the Question Presented

This case presents an unusually clean vehicle for resolving the question presented because neither court below adjudicated the underlying fraud-on-the-court allegations. The district court did not determine whether the challenged documents were authentic, whether the Receiver's representations concerning the IRS claim were accurate, or whether fraud on the court occurred. Instead, it concluded that Cardiff's allegations presented "inherently factual questions" that "invade the province of the ultimate finder of fact." App. 46–47. The Ninth Circuit denied mandamus without deciding whether fraud on the court by a court-appointed officer presents a judicial question requiring adjudication by the court. App. 1–2.

As a result, this case does not ask the Court to review factual findings. No court has found that fraud occurred. No court has found that fraud did not occur. No court has applied a fraud-on-the-court standard to the allegations presented. The question before this Court is therefore purely legal: whether allegations that a court-appointed officer corrupted the judicial process present a judicial question requiring adjudication by the court, or a factual question that may be deferred to the jury.

The issue was squarely presented below. Cardiff raised the question in the district court, in his petition for writ of mandamus, and in his request for rehearing. The courts below had a full opportunity to address the governing fraud-on-the-court framework but did not do so. Accordingly, the question presented was both preserved and passed upon in the only respect relevant here: the district court held that the issue belonged to the ultimate finder of fact, and the Ninth Circuit left that ruling undisturbed.

Nor would review require this Court to resolve the underlying allegations. If the Court concludes that fraud on the court by a court-appointed officer presents a judicial question, the appropriate disposition would be to remand for application of the proper legal framework. The factual allegations would remain for the lower courts to address in the first instance. This

Court therefore can resolve the legal issue presented without becoming entangled in factual disputes concerning the authenticity of particular documents or the ultimate merits of Cardiff's allegations.

The case thus presents the question in its clearest form. A district court held that allegations of fraud on the court by a court-appointed officer belong to the ultimate finder of fact. A court of appeals denied mandamus without addressing whether that conclusion is consistent with this Court's fraud-on-the-court precedents. No disputed factual finding stands between this Court and the legal question presented.

* * *

This petition presents a narrow but important question concerning the administration of justice: whether allegations of fraud on the court by a court-appointed officer present a judicial question requiring adjudication by the court, or a factual question that may be deferred to the jury while the court continues to rely upon the challenged record. Neither court below addressed that question under this Court's fraud-on-the-court precedents.

## CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted. Alternatively, the Court should grant the petition, vacate the judgment below, and remand for reconsideration under the governing fraud-on-the-court framework established by *Hazel-Atlas Glass Co.* v. *Hartford-Empire Co.*, 322 U. S. 238 (1944), *Universal Oil Products Co.* v. *Root Refining Co.*, 328 U. S. 575 (1946), and *Chambers* v. *NASCO, Inc.*, 501 U. S. 32 (1991).

*Respectfully submitted,*

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