

No. _____

19-5518

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

MUAMAR A. SAYYED #1524927 — PETITIONER

(Your Name)

vs.

FILED
JUN 25 2019
OFFICE OF THE CLERK
SUPREME COURT, U.S.

LORIE DAVIS, TDCJ DIRECTOR — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

FIFTH CIRCUIT COURT OF APPEALS

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

MUAMAR A. SAYYED # 1524927

(Your Name)

TDCJ - NEAL UNIT, 9055 SPUR 591

(Address)

AMARILLO, TEXAS 79107

(City, State, Zip Code)

(Phone Number)

RECEIVED

JUL - 3 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

1. DOES THE DISTRICT COURT HAVE THE AUTHORITY TO DISMISS §2254 HABEAS CORPUS PETITION AS SUCCESSIVE WHEN IT WAS CLEARLY NOT SUCCESSIVE?
2. DID THE DISTRICT COURT ABUSE ITS DISCRETION BY FAILING TO REOPEN §2254 HABEAS PETITION THAT IT HAD MISTAKENLY AND ERRONEOUSLY DISMISSED AS SUCCESSIVE WHEN IT WAS CLEARLY PROVEN THAT IT WAS NOT?
3. DOES A DISTRICT COURT HAVE A DUTY AND AN OBLIGATION TO CORRECT ITS VOID JUDGMENT DISMISSING A §2254 HABEAS PETITION IN ERROR?
4. DOES A 60 (b) MOTION LIE TO CORRECT A DISTRICT COURT'S ABUSE OF DISCRETION WHEN IT DISMISSED AS SUCCESSIVE A FIRST §2254 PETITION?

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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BRIEF IN SUPPORT OF PETITION (SEPRATE BRIEF 11 PAGES)

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OF THE DISTRICT COURT'S DENIAL TO REOPEN RULE 60(B)(6) MOTION.

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
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TEMPLE V. HYDRO CHEM, INC., 367 F.3D 473, 478	5
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STATUTES AND RULES

CONSTITUTIONAL RIGHT TO A GRAND JURY INDICTMENT
28 U.S.C. §2254 RIGHT TO HABEAS REVIEW IN FEDERAL COURT OF STATE CONVICTION
DUE PROCESS OF THE LAW
EQUAL PROTECTION OF THE LAW

OTHER

LACK OF AUTHORITY OF FEDERAL DISTRICT COURT TO DISMISS AS SUCCESSIVE
AN ORIGINAL HABEAS PETITION.
60 (b) MOTION TO REOPEN ERRONEOUS AND VOID JUDGMENT OF DISTRICT COURT.

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was APRIL 2ND, 2019.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. __ A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.

A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. __ A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. THE CONSTITUTIONAL RIGHT TO HAVE FEDERAL COURTS LOOK INTO STATE CONVICTIONS THAT VIOLATE THE UNITED STATES CONSTITUTION.
2. THE CONSTITUTIONAL RIGHT TO BE FREE FROM ILLEGAL DETENTION.
3. THE CONSTITUTIONAL RIGHT TO A GRAND JURY INDICTMENT.
4. THE RIGHT TO CONFRONT YOUR ACCUSER.
5. THE CONSTITUTIONAL RIGHT TO A GRAND JURY INDICTMENT.
6. THE CONSTITUTIONAL RIGHT TO DUE PROCESS OF THE LAW.
7. THE CONSTITUTIONAL RIGHT TO THE EQUAL PROTECTION OF THE LAW.
8. THE CONSTITUTIONAL RIGHT TO ACCESS TO THE GREAT WRIT.
9. THE CONSTITUTIONAL RIGHT TO NOT HAVE THE PROSECUTOR OF YOUR CASE ALSO BE THE PRESIDING JUDGE OF THE SAME COURT RULING ON YOUR HABEAS PETITIONS.
10. THE CONSTITUTIONAL RIGHT TO NOTICE OF THE CHARGE AGAINST WHICH YOU ARE TO DEFEND YOURSELF AGAINST.
11. THE CONSTITUTIONAL RIGHT TO NOT HAVE THE INDICTMENT OF THE GRAND JURY AMENDED ON THE DAY OF TRIAL BY CHANGING THE VICTIM OVER THE OBJECTIONS OF THE DEFENSE.

STATEMENT OF THE CASE

THIS CASE IS NEARLY IDENTICAL TO, AND CONTROLLED BY GONZALEZ V. CROSBY, 125 S.C.T. 2641. THE DISTRICT COURT IN THIS CASE DISMISSED AS SUCCESSIVE AN ORIGINAL 2254 HABEAS PETITION FILED BY THE PETITIONER, AND THEN IT REFUSED TO CORRECT ITS ERRONEOUS AND VOID JUDGMENT WHEN PETITIONER FILED A RULE 60 (b)(6) MOTION TO REOPEN THE ERRONEOUS JUDGMENT.

THROUGH NO FAULT OF HIS OWN, AN INNOCENT MAN WRONGLY CONVICTED OF A VOID STATE JUDGMENT OBTAINED IN VIOLATION OF THE UNITED STATES CONSTITUTION, FILED A 2254 HABEAS WRIT IN FEDERAL COURT ALLEGING CONSTITUTIONAL VIOLATIONS OF HIS RIGHTS BY THE STATE. HIS PETITION WAS DISMISSED FOR LACK OF EXHAUSTION. AFTER EXHAUSTING AND REFILING THE CURRENT PETITION, THE SAME DISTRICT COURT DISMISSED THE PETITION AS SUCCESSIVE WHEN IT CLEARLY WAS NOT SUCCESSIVE.

ADDING TO THE GREAT INJUSTICE OF THIS CASE, PETITIONER'S INDICTMENT WAS AMENDED BY A PROSECUTOR WHO'S NAME IS BENJAMIN SMITH ON THE DAY OF TRIAL OVER THE FIERCE OBJECTIONS OF THE DEFENSE. BENJAMIN SMITH THEN BECAME THE JUDGE OF THE CONVICTING COURT, AND DENIED PETITIONER'S HABEAS PETITIONS ATTACKING THE ILLEGAL AMENDMENT OF THE INDICTMENT.

THE INDICTMENT WAS ILLEGALLY AMENDED ON THE DAY OF TRIAL BY CHANGING THE NAME OF THE VICTIM OVER OBJECTION, AND THE STATE HABEAS PETITIONS WERE ILLEGALLY DENIED BY THE PRESIDING JUDGE WHO HAD PERSONALLY PROSECUTED THE CASE, LEAVING THE PETITIONER WITH FEDERAL HABEAS REVIEW AS HIS LAST CHANCE TO OBTAIN JUSTICE, AND REVERSE THE VOID AND ILLEGAL AND UNCONSTITUTIONAL CONVICTION. HOWEVER, THE DISTRICT COURT ERRONEOUSLY DISMISSED AS SUCCESSIVE PETITIONER'S MERITS ATTACKING THE UNCONSTITUTIONAL STATE CONVICTION. WHEN THE PETITIONER FILED A RULE 60(b)(6) TO REOPEN THE ERRONEOUS JUDGMENT, THE DISTRICT COURT AGAIN MADE AN ERRONEOUS AND VOID CONCLUSION, AND DENIED THE MOTION, ABUSING ITS DISCRETION, AND RELYING ON MISTAKEN ASSUMPTIONS. THE CIRCUIT COURT UPHELD THE ERRONEOUS JUDGMENT OF THE DISTRICT COURT.

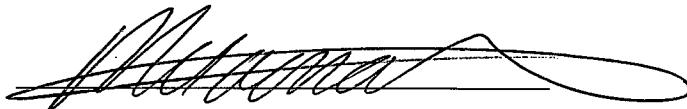
REASONS FOR GRANTING THE PETITION

1. THE DECISION OF THE 5TH CIRCUIT CONFLICTS WITH THIS COURT'S RULING IN GONZALEZ V. CROSBY, 125 S.C.T. 2641.
2. THE DECISION OF THE 5TH CIRCUIT CONFLICTS WITH THE 9TH CIRCUIT'S DECISION IN PHELPS V. ALAMEIDA, 569 F.3D 1120.
3. THE DECISION OF THE 5TH CIRCUIT COMPLETELY DEPRIVES PETITIONER OF THE CONSTITUTIONAL RIGHT TO THE GREAT WRIT.
4. THE DECISION OF THE 5TH CIRCUIT ALLOWS THE STATE OF TEXAS TO ILLEGALLY IMPRISON AN INNOCENT MAN IN VIOLATION OF THE CONSTITUTION.
5. THE DECISION OF THE 5TH CIRCUIT DENIES PETITIONER THE CONSTITUTIONAL RIGHT TO A GRAND JURY INDICTMENT.
6. THE DECISION OF THE 5TH CIRCUIT DEPRIVES PETITIONER OF FEDERAL HABEAS REVIEW OF HIS VOID STATE CONVICTION.
7. THE DECISION OF THE 5TH CIRCUIT ALLOWS A FEDERAL DISTRICT COURT TO IGNORE THE LAW AND THE CONSTITUTION BY DISMISSING AN ORIGINAL 2254 HABEAS PETITION FOR ANY REASON OR NO REASON AT ALL, INCLUDING DISMISSING AS A SUCCESSIVE APPLICATION AN ORIGINAL 2254 HABEAS PETITION..

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mohamed", is written over a horizontal line.

Date: JUNE 24, 2019