

19-7033

No. \_\_\_\_\_

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

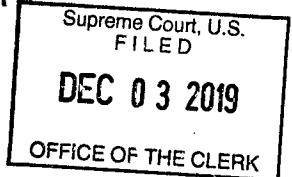
Ali Darwich

— PETITIONER

(Your Name)

vs.

United States of America — RESPONDENT(S)



ON PETITION FOR A WRIT OF CERTIORARI TO  
DENIED RULE OF CIVIL PROCEDURE 60(b)(6)  
BY THE PANEL OF SIXTH CIRCUIT COURT OF  
APPEAL CASE NO : 18-2198

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

PETITION FOR WRIT OF CERTIORARI

Ali Darwich , Pro Se No: 45049-039.

(Your Name)

USP Lewisburg, P.o.Box 1000

(Address)

Lewisburg , PA 17837.

(City, State, Zip Code)

570-523-1251

(Phone Number)

## **QUESTION(S) PRESENTED**

AFTER THE PANEL DETERMINE THE DISTRICT COURT ERRED BY CONSTRUING DARWICH'S MOTION AS A MOTION FOR RECONSIDERATION FILED UNDER LOCAL RULE 7.1(h)(1) ARE THE PANEL SHALL REMANDED THE CASE BACK TO THE DISTRICT COURT ?

IF THE DISTRICT COURT NEVER DENIED OR GRANT RULE 60(b)(6) DID THE PANEL ERRED TO REVIEW FOR AN ABUSE OF DISCRETION? OR THE PANELS ORDER OF SEPTEMBER 20, 2019 UNDER LACK OF JURISDICTION TO DO SO ?.

ARE THE PANEL OF THE SIXTH CIRCUIT COURT ERRED OF HOLDING THE DISTICT COURT ERRED BY CONSTUING RULE 60(b)(6) UNDER MOTION OF RECONSIDERATION FILED UNDER LOCAL RULE 7.1(h)(1) ? AFTER THE PANELS DITERMING DARWICH MOTION 60(b)(6) THE PANELS UNDER LACK OF JURISDICTION TO RULE ON THE MOTION RULE 60(b)(6) BECAUSE THE DISTRICT COURT FIRST SAHLL RULE ON DARWICH MOTION ?

Petitioner Question the Court of Appeals after determine Darwich Case under rule 60 (b)(6)shall remanded the case back to the district court to make ruling " Dened or Grant " after the District Court make ruling the Appeals court under power of " Jurisdiction . Petitioner Claim the Sixth Circuit of appeal panel under lack of jurisdiction to rule on darwich case of rule 60(b)(6).

## **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:

AUSA Patricia Gaedeke  
AUSA Andrew Coetz  
AUSA Ronald W. Waterstreet  
AUSA Tauras N. Ziedas

United States Attorney General and Solicitor General , Room 5616  
US Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington , DC 20530-0001

## **RELATED CASES**

United States V. Ali Darwiche,

Case No 10-CR-20705-004

OR

Petitioner for Writ of Certiorari  
Denied on March 2, 2016 by Supreme  
Court Justice.

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APPENDIX B	Not Recommended For Full-Text Publication Opinion by The Sixth Circuit Court Panel on September 20, 2019 Only 4 Pages
APPENDIX C	The District Court order of detemining Darwich motion under local rule 7.1(h)(1) and denied been filed on timely and the district court under Lack of Jurisdiction Two Page.
APPENDIX D	Criminal order under Seal from Darwich by the District Judge in order to open the Post-judgment with out given Darwich right to appeal or object or knowing his judgment under attak.
APPENDIX E	The District Court Order Denying witout Prejudice Darwich's September 17, 2010 , Motion for return of Siezed items, Documents, and passport, and Cash Two page
APPENDIX F	The Sixth Circuit Order Denied rehearing enbanc One Page Order.

## TABLE OF AUTHORITIES CITED

### CASES

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Ali Darwich V. United States of America,  
Case No: 2:10-CV-10775

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United States V. Darwich ,  
Case No : 10-CR-20705-004

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### STATUTES AND RULES

28 U.S.C. § 1291

28 U.S.C. § 1254(1)

28 U.S.C. § 1331

Michigan Local Rule 7.1(h)(1)

Civil Rule 60(b)(6).

### OTHER

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 B to the petition and is

reported at Not recommended for full-text Publ.; 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 C to the petition and is

reported at District Court of Michigan; 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 N/A to the petition and is

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

The opinion of the N/A court appears at Appendix N/A to the petition and is

reported at N/A; 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 September 20, 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: November 12, 2019, and a copy of the order denying rehearing appears at Appendix A.

An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (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 N/A. A copy of that decision appears at Appendix N/A.

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

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

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

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

The Panel of the Sixth circuit in violation of 28 U.S.C. § 1291 .

On September 20, 2019 the panels(Norris, Siler and Sutton ,Circuit judges) without jurisdiction rule on Darwich merit after holding the district court erred by construing rule 60(b)(6) filed under Rule 7.1 (h)(1) and the district court hold Darwich of been Bar time .

The Panels Soon determine the motion under 60(b)(6) shall remanded the case back to the district Court under 28 U.S.C. § 1331 and compel the district court to rule on the merit . If the District court refuse to do so , or denied the motion and petitioner appeal the motion the panel have jurisdiction .

Yes Petitioner been denied the Constitutional right by the panel because petitioner not America Citizen and the jurisdiction not applied to him ? or the law in United States one way only ? if Darwich have a Constitutional right the jurisdiction applied her and the panel without a jurisdiction to rule on the merit of the case without give the district court power to do so under 28 U.S.C. § 1331 .

Darwich Pray the Supreme Court remanded the case to the Sixth circuit court of appeal to compel under the rule of Jurisdiction and enforce the law even Darwich is not American Citizen the constitutional protect Darwich as will because he convicted by the constitutional of United States of America .

## STATEMENT OF THE CASE

On December 31, 2008 The Federal agents had seized Personal Money \$29,900,00 in Cash under Search Warrant . In Janauray 2010 Darwich Sue the Federal Agents to return the Personal Money See Ali Darwich V. United States of America, Case No : 2:10-CV-10775. On November 4, 2010 the District Judge Robert H. Cleland denied Darwich's law sue without prejudice because the Federal Agent's with expart Communication advice the judge Darwich in the future under Federal and Criminal indictment .

On November 23, 2010 The Federal Agents open Criminal case and the same Federal judge take jurisdiction over Darwich indictment See United States V. Ali Darwich, Case No 10-CR-20705-004. On May 23, 2013 Darwich was convicted and sentence and the personal Seized money is not part of the sentence See ECF 629. After 6 years from Darwich's Post-judgment the district judge with expart communication only with the Federal Agents and the AUSA Ronald W. Waterstreet open Darwich's Post-Judgment and added the personal Money \$29,900,00 under seal motion to Darwich Post-judgment.

On Around February 2018 Darwich discovered the judge and AUSA re-open the Post-Judgment under seal motion and added Darwich Personal money toward restitution . See District Judge order under Seal from Darwich Appendix D . regarding the new discovered evedince Darwich filed motion to re-open his law sue (10-CV-10775) under motion 60(b)(6) the district court called the motion under local rule 7.1(h)(1) and Darwich bar:time and the court out of jurisdiction to do so . Darwich Appeal the District Court Ruling On September 20 , 2019 The Sixth Circuit Court of Appeal declare Darwich motion is true motion under 60(b)(6) but the panel without jursidiction rule on the merit of the issue under denied rule 60 (b)(6) See Appendix A, B ,C .

## **REASONS FOR GRANTING THE PETITION**

The panels erred to hold the district court construing Darwich's motion under Local Rule 7.1(h)(1) after determine Darwich motion true bill under rule 60(b)(6) :

1. The panel soon discovered Darwich motion under Rule 60(b)(6) Shall remanded the case back to the district out because the panel out of jurisdiction to review the claim because the district court never rule on the merit.
2. The panel openion under lack of jursidiction .
3. The Panel erred to review Darwich motion under denial rule 60(b)(6) motion for an abuse of distrectio whine the District court never denied or grant the mowntion or review the merit .

Petitioner Pray the Supreme Court remanded the case to the District court after determining the panel of the sixth Circuit court under lack of jurisdiction to rule on the merit whine the district court never review the claim and give the appeal court jurisdiction under 28U.S.C.§ 1291.

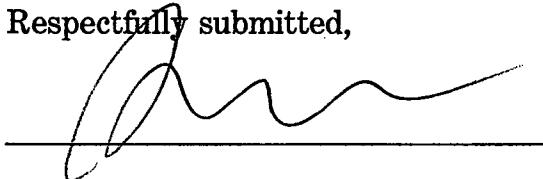
The panel of the sixth circuit shall only determine this motion under rule 60(b)(6) or Rule 7.1(h)(1) soon the panel determine Darwich motion under Rule 60(b)(6) shall remanded the case back to the district cout to rule on the merit if the district court denied the motion now the panel able to make ruling under abuse of discretion . For this reason darwich claim the panel under lack of jurisdiction to rule on the merit and the panel in violation of federal jurisdiction power .

Petitioner Ali Darwich, Pro Se , has been deprived of basic fundamental rights showing the panels without jurisdiction determining the merit of the case in violation of the united states Constitution right and the court rules , and Darwich seeks relief in this Court to restore those rights . Based on the arguments and authorities presented herein Petitioner Order of September 20, 2019 in violation of due process and the constitutional right because the panels of the sixth Circuit know the law will by rules of Jurisdiction . Petitioner prays this Court will issue a writ of Certiorari and reverse the mandate of the Sixth Circuit Court of Appeals .

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

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

Date: November 25, 2019.