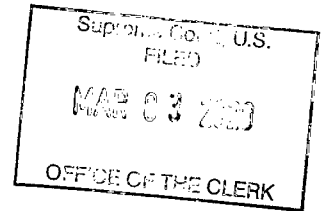


19-7912

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

ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES



Ali Mehdipour, Petitioner

vs.

Keith Sweeney, J. Lefebvre, Respondents

ON PETITIONER FOR A WRIT OF CERTIORARI TO  
THE TENTH CIRCUIT COURT OF APPEALS  
AND  
U.S. DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

Ali Mehdiopour  
P.O. Box 2952  
Oklahoma City, OK 73101

## Questions Presented

1. Does a fruit-of-a-poisonous-tree follow from an initial erroneous ruling on timeliness of filing the initial complaint follow through subsequent ruling s on review, so that all subsequent timeliness calculations must account for the initial untimeliness prejudice?
2. Did the District Court err in calculating the time for filing when the State Statute and court rules clearly begins the two year statute of limitations when the Order dismissing the criminal proceedings against Petitioner began when the Order is “filed” as opposed to when the Court stated on the record the case would be dismissed, but did not dismiss the matter until a later date.
3. Did the District Court err in calculating the time for filing when the State Statute and court rules clearly begins after a ninety day time for filing an appeal after the State gave notice of appeal.
4. Did the Tenth Circuit err in dismissing Petitioner’s appeal, given the inception of the case began with an erroneous timeliness ruling against Petitioner..

## LIST OF PARTIES

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

[x] 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:

- 1) Ali Mehdi pour, Plaintiff, Appellant, Petitioner
- 2) Keith Sweeney, Defendant, Appellee, Respondent
- 3) J. Lefebvre, Defendant, Appellee, Respondent
- 4) R. Holt, Defendant, Appellee, Respondent

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- Appendix J: April 3, 2014 Okla.Co.Dist.Ct Order Sustaining Defendant's Motion to Suppress, Motion to Quash, and Motion to Dismiss
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- Appendix M: February 8, 2017 Plaintiff Motion to Alter and/or Amend Judgment [Doc 24]
- Appendix N: February 23, 2017 Response of Defendant Sweeney to Plaintiff Mehdipour's Motion to Alter and/or Amend Judgment [Doc 25]
- Appendix O: July 18, 2017 ORDER U.S. Dist Ct. on Plaintiff's Motion to Alter and/or Amend Judgment [Doc 27]
- Appendix P: Nov. 8, 2019 Appellant's Notice to the Court of Appellee Keith Sweeney's Status

## TABLE OF AUTHORITIES CITED

### Oklahoma Statute

22 Okla.St. § 1053: Appeals taken by state or municipality -- Allowable cases: Appeals to the Court of Criminal Appeals “may be taken by the State or a municipality in the following cases and no other . . .

4. upon judgment for the defendant on a motion to quash for insufficient evidence in a felony matter;

5. upon a pretrial order, decision, or judgment suppressing an excluding evidence . . .”

22 Okla.St. § 1054: (Appeal must be perfected within 90 days)

### Oklahoma Court of Criminal Appeals (OCCA)

Rule 1.4(C)(1) “States appeals must be perfected within the time limits as set out in Subdivision A [i.e.: 90 days] commencing from the date the **order entered** by the trial court.” (emphasis added)

that the time for Criminal Defendants to file appeal commences “when the new sentence is pronounced in open court.” However, OCCA Rule 1.4(C)(1) states that the time for the State to file its appeal commences from “the date of the order entered by the trial court.”

42 U.S.C. § 1983

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, B 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 C 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 Dec. 4, 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

U.S. 14<sup>th</sup> Amendment Due Process and Equal Protection

42 U.S.C. § 1983

## Statement of the Case

This matter began when a rough Oklahoma City, Oklahoma, police officer targeted Petitioner in an unwarranted traffic stop, warrantless search, and arrest. The Oklahoma County District Court subsequently dismissed the trumped-up charges (Appendix "J") but not before Petitioner had suffered significant embarrassment, inconvenience, and actual monetary loss.

For an example of the type of bad cop Petitioner came up against on the side of the road, see Appendix "P". Previously "Officer" Sweeney is now "Convicted Murderer" Sweeney. While on duty, Sweeney shot dead an unarmed man. Sweeney came racing onto the scene where three(3) other Oklahoma City Officers had an unarmed mentally-ill subject surrounded, talking him into submission. To the horror of the other three officers, Sweeney arrive on the scene, exited his vehicle, pulled his sidearm and fired multiple rounds into the subject, killing him dead.

Sweeney lied about his shooting of an unarmed man (controverted by the testimony of the other officers who had been on the scene) just as he lied about the "traffic stop" involving the Petitioner here. Both the District Court and Tenth Circuit gave Sweeney's account of the roadside encounter with Petitioner undue credibility, based solely upon his position as a police officer. Particularly since the State District Court ruled there was no cause for even pulling Petitioner over. (Appendix "J" and "K")

In both the District Court and Tenth Circuit proceedings the actual circumstances of the case should have given the deceit daylight. So the Sweeney defense relied on mere technicalities as the only means of overcoming the questionable circumstances of the traffic stop. They claimed Petitioner was out of time to file his complaint in U.S. District Court.

But as Petitioner explained to the District Court and the Tenth Circuit, he was not out of time. Sweeney's defense pulled one over on the judge. Petitioner explained in detail how he was not untimely. (Appendix "D", "E", "F", and especially well explained in Appendix "G") OCCA Rule 1.4(C)(1) states that the time for the State to file its appeal commences from "the date of the order entered by the trial court." Calculating the time from the date the order was entered leaves Petitioner several days grace before time running on his claim.


### **Reason for Granting the Petition**

To allow what then Officer Sweeney did to Petitioner to stand will be a travesty of justice.

### **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

  
Ali Mehdi Pour

Date: 3rd day of March 2020