

19-7913 Original  
No. 19-7913

IN THE  
SUPREME COURT OF THE UNITED STATES

POOROUSHASB PARINEH — PETITIONER  
(Your Name)

vs.

MICHAEL MARTEL — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO  
(w/ Appendix of Exhibits) Attachments...

U.S. Court of Appeals (9th Circuit)

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

PETITION FOR WRIT OF CERTIORARI

Pooroushasb Parineh  
(Your Name)

California Health Care Facility  
7707 S. Austin Road (POB 32050)  
(Address)

Stockton, California 95213  
(City, State, Zip Code)

N/A  
(Phone Number)

SPECIAL NOTE:

1st Impression Issues When  
(APPEAL & WRIT) Filed Simultaneously  
Creating Statutory Anomaly ("Tolling")...

QUESTION(S) PRESENTED

(1) Pursuant to 28 USC 2244 & 2254, did the Petitioner file a timely (AEDPA) Writ of Habeas Corpus/Petition from the State Court to Federal Court after exhausting state remedies via (i.e. Appeals & Writs)?

(YES)!!!

(2) Per 28 USC 2241-2243 (Non-AEDPA) and/or 28 USC 2254 (AEDPA) Habeas Corpus Writ review; is the Petitioner entitled to statutory and equitable tolling due to Actual Innocence/Miscarriage of Justice claims under the 1-year timeline 28 USC 2244 to file habeas claims from the State Courts to Federal Courts?

(YES)!!!

(i)

## 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:

### PETITIONER:

(Pooroushast Parineh)

### RESPONDENT:

(Michael Martel)  
Office of the Warden  
California Health Care Facility  
Stockton, California

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(Re: Circuit En Banc Order 2/12/2020)

APPENDIX B (U.S. Court of Appeals/9th Circuit)  
(Re: Circuit Penal Order 12/20/2019)

APPENDIX C (U.S. District Court/Northern California)  
(Re: District Judge Order 2/14/2019)

APPENDIX D NOTE: See attachments/adendum of the  
(Appendix of Exhibits/Writ of Certiorari)

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## TABLE OF AUTHORITIES CITED

| CASES   | PAGE NUMBER |
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| <u>Caspari v. Bohlen</u> , 510 US 383, 385-390 (1994)           |             |
| <u>Carey v. Saffold</u> , 536 US 214, 222 (2002)                |             |
| <u>Pace v. DiGuglielmo</u> , 544 US 408, 413 (2005)             |             |
| <u>Evan v. Chavis</u> , 546 US 189, 198 (2006)                  |             |
| <u>Velasquez v. Kirkland</u> , 639 F3d 964, 967 (9th Cir, 2011) |             |
| <u>Campbell v. Henry</u> , 614 F3d 1056, 1057 (9th Cir, 2010)   |             |
| <u>Curiel v. Miller</u> , 830 F3d 864, 870 (9th Cir, 2016)      |             |
| <u>Stewart v. Cate</u> , 757 F3d 929, 935 (9th Cir, 2014)       |             |

## STATUTES AND RULES

28 U.S.C. 2244

28 U.S.C. 2254

## OTHER

N/A

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 B 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 12/20/2019 & 2/12/2020

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: 2/12/2020, and a copy of the order denying rehearing appears at Appendix A/B.

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. Const., Amendments 1 & 14

(Access to Courts/Due Process/Equal Protection)  
(Re: Statute of Time Limitations)

28 U.S.C. 2241-2243

28 U.S.C. 2244

28 U.S.C. 2254

(Re: AEDPA/Non-AEDPA Time Limits/Access to Courts)

Felker v. Turpin, 518 US 651, 659-663, 665-666 (1996)

Lindh v. Murphy, 521 US 320, 326 (1997)

## STATEMENT OF THE CASE

### (I) TRIAL: (People v. Parineh, #SC074512A (San Mateo Co. Sup. Ct. 2010)\*\*\*

Petitioner was arrested for PC 187 (murder) of wife although claiming successive suicide attempts caused death in 2010; trial occurred in 2013; conviction/sentencing in 2014 to life w/out parole plus 25-years to life.

### (II) APPEAL:

Parineh v. California, #16-5498 (2016)

Disp: 10/11/2016 (Appendix of Exhibits/EX#A)

People v. Parineh, #S-230434 (Cal, 2016)

Disp: 1/13/2016 (Appendix of Exhibits/EX#B)

People v. Parineh, #A-139246 (1st Dist, 2015)

Disp: 9/28/2015 (Appendix of Exhibits/EX#C)

### (III) HABEAS CORPUS WRITS: (State Court)

In re Parineh, #S-242504 (Cal, 2017)

Disp: 8/9/2017 (Appendix of Exhibits/EX#D)

People v. Parineh, #A-150701 (1st Dist, 2017)

In re Parineh, #A-150782 (1st Dist, 2017)

Disp: 3/16/2017 (Appendix of Exhibits/EX#E)

In re Parineh, #SC-074512A (San Mateo Co. Sup. Ct., 2016)

Disp: 11/15/2016 (Appendix of Exhibits/EX#F)

NOTE: Petitioner filed (WRIT) in August/2016 before the US Supreme Court finalized (APPEAL) per 28 USC 2244 in October/2016. In other words, Petitioner statutory/equitable tolling (WRIT) began before the (APPEAL) ended. Sometimes a statutory "anomaly" will occur when Counsel/or/Prisoner-Petitioners file simultaneous (APPEAL & WRITS) creating different/separate (i.e. Statutory-Equitable Tolling) statutory "clocks" for 28 USC 2244/2254 habeas corpus actions...  
(\*). State Court exhausted on 8/9/2017; 1-year (AEDPA) deadline is 8/9/2018; Federal Case filed on 2/12/2018 timely...

### (IV) HABEAS CORPUS WRIT: (Federal Court)

Parineh v. Martel, #CV-18-1002-WHO (N.D. Cal, 2018)

Filed: 2/12/2018

Disp: 2/14/2019

Parineh v. Martel, #19-15355 (9th Cir, 2019)

Disp: 12/20/2019 (2-Judge/Non-Panel) Denial...

Disp: 2/12/2020 (2-Judge/Non-Panel) En Banc Request Denial...

## REASONS FOR GRANTING THE PETITION

- (1) Petitioner is pro se without assistance of counsel to file pleadings and is being minimally assisted by Inmates to present claims to court.
- (2) Petitioner is from Persia (Persian) with fluency in language; and has limited English reading/writing/speaking skills and at a major disadvantage attempting to adjudicate case in English (Anglo-Saxon) language via full-access of courts.
- (3) Petitioner request liberal construction; lesser stringent standard; and deference of pleadings compared to lawyers in pro se status until the Court appoints counsel for case.  
Maleng v. Cook, 490 US 488, 493 (1989)
- (4) Petitioner is entitled to statutory tolling with pleadings deemed timely filed for habeas corpus relief.  
Pace v. DiGuglielmo, 544 US 408, 412-416 (2005)
- (5) Petitioner entitled to equitable tolling raising Actual Innocence and Miscarriage of Justice claims justifying pleadings deemed timely filed for habeas corpus relief.  
McQuigging v. Perkins, 569 US 930, 942-943 (2007)

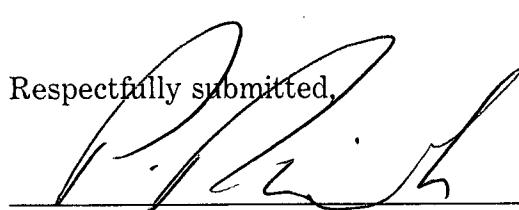
NOTE: Petitioner move the Court to grant Certiorari Writ; reverse judgements of the U.S. Circuit Court of Appeals and U.S. District Court with a remand per 28 USC 1254 for habeas corpus review per 28 USC 2254.

THANK YOU!!!

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



POOROUSHASB PARINEH (Petitioner)

Date: 2/28/2020

ATTACHMENT

