

19-8484

No.

ORIGINAL

Supreme Court, U.S.  
1979

19-8484

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Ali Mehdipour — PETITIONER  
(Your Name)

vs.

City of Midwest City, et al. RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Ali Mehdipour  
(Your Name)

P.O. Box 2962  
(Address)

Oklahoma City, OK 73101  
(City, State, Zip Code)

405-474-4055  
(Phone Number)

## QUESTION(S) PRESENTED

- 1) Did the Tenth Circuit Court of Appeals err in denying jurisdiction from the U.S. District Court for the Western District of Oklahoma (Appx. "A") after issuing a stay in the Court of Appeals to allow Petitioner to return to the District Court for a Rule 54(b) Order of finality, the District Court denied the Rule 54(b) motion, and instead issued ORDER and JUDGMENT any claims remaining open (Appx. "E", exhibits "A" and "B")?
- 2) Did the District Court err in DENYING Petitioner's motion for Rule 54(b) Order of Finality, and instead issuing a new ORDER and Judgment (Appx. "F", exhibits "A" and "B")?
- 3) Was a Rule 54(b) appropriate resolution of Finality considering the Tenth Circuit's reliance on Heimann v. Sneed, 133 F.3d 767, 769 (10<sup>th</sup> Cir. 1998) in its 15-Fed-19 ORDER raising questions, sua sponte, about jurisdiction, when Heimann resolution of a jurisdictional question was Rule 54(b); (Appx. "B")?

## 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:

THE CITY OF MIDWEST CITY, a political subdivision and municipality;  
THE CITY OF OKLAHOMA CITY, a political subdivision and municipality;  
BRETT BAKER, a Midwest City Police Officer, in his individual capacity;  
BRADLEY CONLEY, an Oklahoma City Police Officer, in his individual capacity;  
BRUCE GLOVER, a Midwest City Police Officer, in his individual capacity;  
JEREMY ZUNIGA, a Midwest City Police Officer, in his individual capacity; and  
JEFF COFFEY, an Oklahoma City Police Officer, in his individual capacity,

## Related Cases

There are no related cases.

## TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	3
STATEMENT OF THE CASE .....	4
REASONS FOR GRANTING THE WRIT .....	5
CONCLUSION.....	6

## INDEX TO APPENDICES

APPENDIX A	11-Dec-19 ORDER, Tenth circuit, denying jurisdiction
APPENDIX B	13 Feb 19 ORDER, Tenth circuit, questioning jurisdiction, ordering parties to respond, staying proceedings pending responses.
APPENDIX C	19 Apr 19 ORDER, Tenth circuit, lifting stay.
APPENDIX D	21 Mar 19 Plaintiff's Motion for stay in Tenth circuit, pending Rule 54(b) Motion in District Court
APPENDIX E	18 Mar 19 District Court: Plaintiff's Motion under Rule 54(b) Certificate of Finality
APPENDIX F	24 Jul 19 Tenth Circuit, Plaintiff "motion to Rule on Jurisdiction with Exhibit "A" District Court ORDER declining Rule 54(b) ruling; and Exhibit "B" District Court JUDGMENT dismissing all claims.
Appendix G	7 Oct 19 Appellant's opening Brief (10th Cir)
Appendix H	4 Nov 19 Appellant's supplemental opening Brief (10th Cir)
Appendix I	29 Oct 19 Answer of midwest city Defendants-Appellees (10th Cir)
Appendix J	8 Nov 19 Answer of oklahoma city Defendants-Appellees (10th Cir)

## TABLE OF AUTHORITIES CITED

### CASES

### PAGE NUMBER

Katz v. U.S., 389 U.S. 347 (1967)

Terry v. Ohio, 392 U.S. 1 (1968)  
U.S. v. Villagrana-Flores, 467 F.3d 1269 (10th Cir. 2006)

### STATUTES AND RULES

### 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 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 F 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 \_\_\_\_\_.

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. and Oklahoma Due Process and Equal Protection

42 U.S.C. § 1983

## STATEMENT OF THE CASE

See Appendix "G" and "H"

This case began as an illegal Brady stop, arrest under false pretense, and false prosecution of an Iranian Immigrant who police had been harrassing for several years. Police seized the opportunity when a tip came in that Appellant was in possession of a stolen generator. (The generator turned out to have been stolen by the tipster's drug addict son and sold to Appellant's business associate.) After considerable cost to Appellant, the state dropped the charges. Appellant sued in Oklahoma County District Court. The District Court subsequently dismissed the case.

Appellant moved in the Tenth Circuit to overrule the Tenth Circuit. Based upon the false argument of Appellee's the Tenth Circuit dismissed the case as out-of-time.

But the case was timely filed.

## REASONS FOR GRANTING THE PETITION

See Appendix "G"

The Tenth Circuit dismissed the matter below on the false argument of Appellees, in what could only be characterized as deliberate indifference. The false argument is glaring. Appellant was not out of time; and if he was late it was through no fault of his own.

From inception of investigation Appellant's rights were trampled upon by police. As detailed in Appendix "G" the so-called search of Appellant's business was conducted by police with no regard for Appellant's right to be free from unconstitutional warrantless invasion of his personal property.

The police, prosecutors, and counsel for Appellees have never even suggested that a warrant was being considered by police. All they assert is hyper-technical excuses and diversions.

And the courts below (District and 10<sup>th</sup> circuit) have ignored the arguments of pro se Appellant.

The Government agents did not even consider getting a warrant. They had plenty of time. Just did not seem to care.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Shri. Anil Kapoor

Date: 3-10-2020