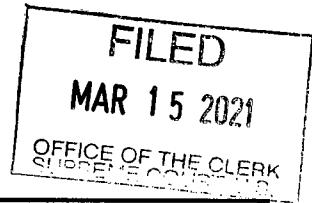


ORIGINAL

20-7477
No. _____



IN THE
SUPREME COURT OF THE UNITED STATES

HAKIMAH JABBAR – PETITIONER

Vs

JUDGE JAMES L. GRAHAM -RESPONDENT(S)

ON PERTITION FOR WRIT OF CERTIORARI TO
UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT
PETITION FOR WRIT OF CERTIORARI

HAKIMAH JABBAR

2339 TAYLOR AVE

COLUMBUS, OHIO 43211-2358

614-670-0626

HJABBAR43211@GMAILCOM

QUESTION(S) PRESENTED

- 1) The U.S Court of Appeals 6th Cir. Affirming of District Court decision directly conflicts with the Appeals Court's opinion, *In re Adams*, 302 B.R. 539 (B.A.P 6th Cir. 2003) establishment in the same important matter with enforceable transfers restrictions as beneficiary of trust. Because the Petitioner is beneficiary of trust within the meaning of 11 U.S.C §541(c) (2) and the Petitioner in same important matter is a beneficiary of trusts with enforceable transfer restrictions such that he Petitioner beneficial interest in those trust shall excluded from sentencing pursuant to Title 18a 32 (c)4.
- 2) The Appeals Court in same important matters pursuant to *In re R.W Leet Electric, Inc.*, 372 B.R 372 B.R. 846 (B.A.P 6th Cir. 2007) "trust funds can be identified in a substitute form the Petitioner has identified the trusts funds in mingled in substituted form as "the forfeited property of Deandre Forrest instead from tracking from owner to contractor to beneficiary was denied erroneously when the District Court of Appeals deny Petitioner Counsel and affirmed District Court Decision, because it is conflict with it's own opinion
- 3) The decision to affirm District Court Judgement is conflict with the District Court of appeals decisions in same important matter in another Appeals Court Decision (it own appeal decision) in pursuant to *In re R.W Leet Electric, Inc.*, 372 B.R 372 B.R. 846 (B.A.P 6th Cir. 2007) Cestui que trust may follow trust through any change. The Court established " trust can be identified in substitutive form, then affirm in same important matter that the District Court decision that the does not have to obey a simple contract he obliged as fiduciary of cestui que trust Petitioner is a beneficiary of.

- 4) Were in the same important matter pursuant to *In re R.W Leet Electric, Inc.*, 372 B.R 372 B.R. 846 (B.A.P 6th Cir.2007), “5. the trustee shall-

1)collect... and close such estate... with the best interest of parties in interest. It is well established the Petitioner is party in interest of “ the forfeited property of Deandre Forrest. Therefor the District Court of Appeals affirmation of District Court decision is in direct contradiction in same important matter of interest established in decision of another District Court of Appeals (it’s own actions) because the Appeals court accepted tender payment, but denied Petitioner Counsel is not inn best interest of Petitioner/ Party of Interest.

LIST OF PARTIES

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 judgement is subject of this petition is as follows:

Judge James L. Graham
85 Marconi Boulevard Rm 169
Columbus, Ohio 43215-2892
61-719-3200

Solicitor's General of the United States
Department of Justice
Room 5616
950 Pennsylvania Avenue N.W.
Washington, DC 20530-0001

RELATED CASES

- *United States v. Forrest*, No. 2:17-cr-158(1), U.S District Court for Southern District of Ohio Eastern Division. Judgement entered Feb. 10, 2021.
- *Forrest v. United States*, No. 2:20-cv-0075, U.S District Court For the Southern Division of Ohio Eastern Division. Judgment entered Jan. 27, 2020.
- *Jabbor v. Graham*, No. 1:18-cv-00095. U. S District Court Southern District of Ohio Eastern Division. Judgement entered Aug. 17, 2018

- *Midland Funding v Forrest*, No. 19CVF4380. In The Franklin County Municipal Court Columbus, Ohio. Judgement entered Jun. 24, 2020.
- *Jabbar v. Graham*, No. 2:20-cv-948. U.S. District Court Southern District of Ohio. Judgment entered Mar. 27, 2020.
- *Jabbar v. Graham*, No. 2:20-cv-6406. U.S District Court Southern District of Ohio. Judgement entered Jan. 7, 2021.
- *Jabbar v Graham*, No. 1:20-cv-245. U.S Distict Court Southern District of Ohio Western Division. Judgement entered Apr. 28, 2020.
- *Jabbar v. United States Department of Probation*, No. 2:20-cv-6105. U.S District Court for the Southern Division of Ohio. Judgement entered Feb. 8, 2021
- *United States Monarchy v. Graham*, No. 2021 -0226. Ohio Supreme Court, Judgement entered Mar. 10,2021.
- *Jabbar v. Graham*, No. 20-3483. U.S District Court of Appeals Sixth Circuit, Judgment entered Dec. 17, 2020

TABLE OF CONTENTS

OPINIONS BELOW	7
TABLE OF AUTHORITES.....	8
JURISDICTION.....	9
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	10
STATEMENT OF CASE.....	12
REASONS FOR GRANTING THE PETITION.....	16
CONCLUSION.....	17

INDEX TO APPENDICES

APPENDIX A	Decision of District Court of Appeals
APPENDIX B	Decision of District Court
APPENDIX C	Report and Recommendation of District Court
APPENDIX D	Preliminary Order of Forfeiture of District Court
APPENDIX E	Final Order of Forfeiture of District Court
APPENDIX H	Entry of Franklin County Municipal Court
APPENDIX I	Declaration of Beneficiary Franklin County Municipal Court
APPENDIX J	District Court of Appeal Docket sheet.
APPENDIX K	Opinion of District Court of Appeals <i>In Re Adams</i>
APPENDIX L	Opinion of District Court of Appeals <i>In Re R.W Leet</i>

OPINIONS BELOW

For cases from federal Courts:

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

TABLE OF AUTHORITES

Federal Statues

11 U.S Code § 547	11
11 U.S.C §541 (c)(4)	14
Title 18a 32 (c) (4):	11

Regulations

UCC 3-603.....	11
----------------	----

Other Authorities

Federal Rules of Civil Procedure Merge Equity and Common Law	11
---	-----------

Regulations

U.C.C 3-603.....	16
U.C.C 3-603(c).....	16

JURISDICTION

For cases from federal courts:

The date on which the United States Court of Appeals decided my case was December 17, 2020. No petition for rehearing was timely filed in my case.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- Title 18a 32 (c) (4): Ancillary Proceeding Not Part of sentencing. An ancillary Proceeding is not part of sentencing.
- 11 U.S.C §541(c)(2) : A restriction on the transfer of a beneficial interest of a beneficial interest of the debtor in a trust that is enforceable under applicable nonbankruptcy law is enforceable in a case under this title.
- 11 U.S Code § 547: APPENDIX M
- UCC 3-603: (a) If tender of payment of an obligation to pay an instrument is made to a person entitled to enforce the instrument, the effect of tender is governed by principles of law applicable to tender of payment under a simple contract.
(b) If tender of payment of an obligation to pay an instrument is made to

a person entitled to enforce the instrument and the tender is refused, there is discharge, to the extent of the amount of the tender, of the obligation of an indorser or accommodation party having a right of recourse with respect to the obligation to which the tender relates.

(c) If tender of payment of an amount due on an instrument is made to a person entitled to enforce the instrument, the obligation of the obligor to pay interest after the due date on the amount tendered is discharged. If presentment is required with respect to an instrument and the obligor is able and ready to pay on the due date at every place of payment stated in the instrument, the obligor is deemed to have made tender of payment on the due date to the person entitled to enforce the instrument.

• **Federal Rules of Civil Procedure Merge Equity and Common Law**

September 16, 1938

In 1938, pursuant to its authority under the Rules Enabling Act of 1934, the Supreme Court enacted uniform rules of procedure for the federal courts. Among the changes wrought by the rules was the elimination the federal courts' separate jurisdiction over suits in equity (a centuries-old system of English jurisprudence in which judges based decisions on general principles of fairness in situations where rigid application of common-law rules would have brought about injustice). Under the new rules, suits in equity and suits at common law were grouped together under the term "civil action."

STATEMENT OF CASE

The District Court of Appeals Decision conflicts with opinions made by the Appeals Court and laws of simple contract.

ARGUMENT IN LAW

- 1) The District Court of Appeals establishes “one claiming as a cestui que trust thereunder must identify the trust fund or property in the estate, and if such fund or property has been mingled with the general property of the debtor, sufficiently trace the property”(Appendix L, pg856 ¶2), the Petitioner stated she claims interest in property subject to forfeiture, not the currency held in title (Appendix C, ¶2). The Petitioner Declaration of appearance of cestui que trust (Appendix J) establishes the property has been mingled with general property of debtor Deandre Forrest. The Petitioner must “sufficiently trace the trust property” (Appendix L, pg 856 ¶2). The

Petitioner has brought proof without reasonable doubt the trust property is in substitutive form.

The Petitioner's interest in property (Appendix C ¶2) is no longer in the title granted over the currency (Appendix A pg 2 ¶1), this is in conflict with final order of forfeiture (Appendix E, pg 2 #1) proves the trust has been identified in substitutive form. The District Appeals Court title over currency, as well as tendered a writ is a manifestation of intention to create a fiduciary relationship with respect to property (Appendix K, pg 540 [a]). The Respondents fiduciary relationship is of cestui que trust mingled with other property identified in substitutive form as the "forfeited property of Deandre Forrest" that the Petitioner is a beneficiary of. The District Court od Appeals Sixth Circuit established " trust funds can be identified in substitutive form" (Appendix L, pg 858 ¶2). The District Court of Appeals established Petitioner " may follow trust... for the trust property may be claimed as subject to trust (Appendix L, Conclusion #4, #5, and #6). The Petitioner has shown she has identified the trust in substitutive form and the Courts of appeals decision is in conflict with decision in the same important matter of sufficiently tracing a trust.

- 2) The Sixth Circuit District Court opinion establishes beneficiaries of trusts should carry proof that they are beneficiaries of a trust in the meaning of 11 U.S.C §541 (c)(4) (Appendix K, Opinion). The Petitioner has beneficial interest was transferred in ancillary proceeding (Appendix D) and is enforceable under applicable nonbankruptcy law enforceable in a case under Property of the Estate. Therefore, the Court's decision conflicts with another U.S District Court of Appeals on same

important matter. Beneficiaries of trust with enforceable transfer restrictions such that their beneficial interest in those trust are excluded from bankruptcy estate. Thus, in pursuant to Title 18a 32 (c)(4), the Courts of appeal erroneously contradicts other decisions of Appeal Court's in the same important matter of Cestui que trust.

- “The Debtor, therefore, must show that the property of a trust in which they are beneficiary”(Appendix K, pg 540 ¶1). The Petitioner has shown she is beneficiary of trust in question. Franklin County Municipal Court Columbus, Ohio in same important matter of Deandre Forrest, the court docketed an entry “document is an appearance and the party who filed is entitled to notice...”(Appendix H). The appearance of document (Appendix I) affirms the forfeited property of Deandre Forrest is a trust the Petitioner is a beneficiary of.
- The Preliminary Order of Forfeiture (Appendix D) and Final Order of Forfeiture is under the definition established by the District Court of Appeals, “ an explicit declaration of trust, or circumstances which show beyond reasonable doubt that a trust was intended to be created, accompanied with an intention to create a trust, followed by an actual conveyance...of definite property .. vesting the legal title presently in a person capable of holding it, to hold as trustee for the benefit of a cestui que trust” (Appendix K, pg 540 ¶3). The trust was intended to be created by merger of equity and common law pursuant to Rules Enabling Act of 1934. Accompanied with Fed. R. of P. Rule 2 is an intention of creation of trust, followed by an actual conveyance (Appendix D, pg 3 #3) and definite property vesting title in the United States

(Appendix E, pg 2 #1) for benefit of cestui que trust (Appendix E, pg 1 ¶3). “

“The forfeiture of property of Deandre Forrest” is without reasonable doubt a “declaration of trust”. The Appeals Court decision to affirm District Court judgment is erroneous because is in direct contradiction to in the same important matters of trust another Court of appeals established.

- The District Court established (Appendix K, pg 50)

[a] Fiduciary relationship with respect to property, arising from a manifestation of intention to create that relationship and subjecting the person who holds title to the property to duties to deal with it for the benefit of charity or for one or more persons, a least one of who, is not the sole trustee.

Appendix J, Docket #8, the Respondents tender payment in pursuant to U.C.C 3-603, “effect of tender is governed by the principles applicable to tender payments under a simple contract” “this is a fiduciary relationship with respect to property, subjecting who hold title with duties that deal with...”. The Appeals Court was subject to hold title pursuant to U.C.C 3-603(c) because the court is entitled to enforce the instrument when tender payment was made (Appendix J, Docket #8).

REASONS FOR GRANTING THE PETITION

The compelling evidence presented in the body of this document show the respondent has been acting as fiduciary of a cestui que trust. However, the District Court of Appeals affirm the respondent decision to not convey beneficial interest to the beneficiary of the trust he is fiduciary of. The Supreme Court should get involved because the District Court of Appeals is in conflict with decisions in the same important matter that conflicts with decision from another Appeals court on several occasions In the body of this document. The is situation will affect any litigator who protecting their rights as beneficiary of trust. This situation will err the courts and the beneficial interest of beneficiary will not be protected by rules of a simple contract and fiduciary to dissolve trust because he kept beneficial interest of trust and not serve the beneficial interest of the cestui que trust other persons other than trustee.

CONCLUSION

The Petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Doe".

Date: March 14, 2021