

No. _____

21-5730

IN THE
SUPREME COURT OF THE UNITED STATES

Shikeb Saddozai

(Your Name)

PETITIONER

ORIGINAL

vs.

Kristen Esterheld, et al., — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

FILED

JUL 20 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

UNITED STATE COURT OF APPEALS FOR THE NINTH CIRCUIT

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

PETITION FOR WRIT OF CERTIORARI

Shikeb Saddozai (AY1590) (S.V.S.P.)

(Your Name)

C/O 31625 HIGHWAY 101, P.O. BOX 1050

(Address)

SOLEDAD, CALIFORNIA [93960-1050]

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

Whether plaintiff's claims are cognizable under 42 U.S.C.S. 1983; 1985; 1986; 1988, as well as Fourth, Fifth, Ninth, and Fourteenth Amendments to the U.S. Constitution for relief.

Whether District Court and U.S. Court of Appeals erred in their review that discriminatory treatment existed and enforced by defendant(s) exclusively against plaintiff denying Equal Protection Clause and Due Process.

Whether the District Court and U.S. Court of Appeals standard of review was deficient with relevant decisions of this court and erred denying plaintiff's properly stated rule of law.

Whether plaintiff demonstrated a "Substantial Showing" of denial of Constitutional rights of the scope and effect of the two clauses, Equal Protection and Due Process, is the same that protect Citizens from deprivations of life, liberty, or property by the federal and State governments under the law.

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:

Brandon Scholes;

CITY OF DALY CITY;

COUNTY OF SAN MATEO;

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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☒ is unpublished.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 A 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 April 23, 2021.

☒ 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

In the U.S. Supreme Court case of Yick Wo v. Hopkins, held that the Fourteenth Amendment to the U.S. Constitution is not confined to the protection of citizens. U.S. Const., Amend. XIV says: Nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. These provisions are universal in their application, to all persons within the territorial jurisdiction, without regard to any differences of race, of color, or of nationality; and the equal protection of the laws is a pledge of the protection of equal laws.

(See, Yick Wo v. Hopkins , 118 U.S.356*;6 S.Ct. 1064**;
30 L.Ed. 220***;1886 U.S.LEXIS 1938)

U.S. Rev. Stat. § 1977 reads: All persons within the jurisdiction of the United States shall have the same right in every state and territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefits of all laws and proceedings for the security of persons and property as enjoyed by white citizens and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

STATEMENT OF THE CASE

Plaintiff, Shikeb Saddozai, a state prisoner filed a civil action pursuant to 42 U.S.C. § 1983 in the United States District Court, for the Northern District of California and in the U.S. Court of Appeals for the Ninth Circuit stating violation of U.S. Constitution Amendment XIV., discrimination against Defendant(s), Kristen Esterheld; Brandon Scholes; police agents for the city of Daly City and County of San Mateo, acting under the color of state law, and was granted leave to proceed in forma pauperis.

Defendant(s), failed and refused to take plaintiff's criminal complaint, as a victim, reporting a crime of grand theft, fraud, forgery, and threat. Defendant(s) non-performance in their statutorily imposed duty to enforce the laws equally and fairly, failed and refused to protect and take plaintiff's criminal report of a crime, depriving plaintiff of properties, without due process and court hearing and provided unequal treatment between similarly situated categories.

Defendant(s), failed to enforce return of plaintiff's stolen properties in possession of suspect whom admitted to defendant(s), stealing plaintiff's properties, willfully to subject plaintiff to deprivation of his civil rights and privileges based on discriminatory treatment because plaintiff being a distinct member class of Arab muslim nationality,

made obvious by plaintiff's distinct middle eastern name, in addition to other discriminatory factors, such as, plaintiff being a man and suspect being a woman and affording lesser or no protection, and due to plaintiff having a close relation to suspect, and defendant(s) knew plaintiff was on supervised parole.

Defendant(s) action or non-action deprived plaintiff of rights and privileges secured by U.S. Constitution Amendment XIV, and U.S. Rev. Stat. § 1977 reads: All persons within the jurisdiction of the United States shall have the same right in every state and territory to make and enforce contracts, to sue, be parties, give evidence, and to full and equal benefit of all laws and proceedings for the security of persons and property as enjoyed by white citizens and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind to no other. See, also, Yick Wo v. Hopkin, 118 U.S. 356; 6 S.Ct. 1064; 30 L.Ed.220; 1886 U.S. LEXIS 1938.



REASONS FOR GRANTING THE PETITION

Plaintiff's claims are cognizable under 42 U.S.C.S. § 1983; 1985; 1986; 1988, as well as Fourth, Fifth, Ninth, Fourteenth Amendments to the U.S. Constitution for relief satisfying elements: (1) that a right secured by the Constitution or laws of the United States was violated, and (2) that the violations was committed by a person acting under the color of state law. The District Court and U.S. Court of Appeals did not address these issues and the decision of the Courts deciding case has departed from the accepted and usual federal question in a way that conflicts with relevant decisions of this court, consisting of misapplication of properly stated rule of law, as to call for an exercise of this court's supervising power and plaintiff urges this court to grant review on this basis.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

"without prejudice"
Agent: Addorai - Nikesh Addorai/UCL-1-300/207

Date: July 20, 2021