

AUG 20 2021

OFFICE OF THE CLERK

No. _____

21-5761

IN THE

SUPREME COURT OF THE UNITED STATES

Hamid Michael Hejazi — PETITIONER
(Your Name)

vs.
Michael J. Buseman PC and
Michael Buseman — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Oregon Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Hamid Michael Hejazi
(Your Name)
Inmate ID #3925882
Lane County Adult Corrections
101 West 5th Avenue
(Address)

Eugene, OR 97401-2695
(City, State, Zip Code)

N/A
(Phone Number)

ORIGINAL

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QUESTION(S) PRESENTED

1) Was the Appellate Commissioner correct in determining that Petitioner needed to have served Respondents as 'adverse parties' to the appeal underlying this petition, whereas the respondents had neither appeared or been served, nor in any manner taken part in any lower circuit court proceedings - the suit underlying the appeal having been dismissed for want of prosecution, for lack of service upon Respondents*?

2) Was it justified for the Oregon Supreme Court to have refused to review the appellate court decision to deem Respondents as 'adverse' parties - whereas Petitioner contended that Respondents were only opposing non-adverse defendants to the appeal (without any obligation to have been timely served with a notice of appeal)?

* Petitioner having made this explicitly clear in their filed notice of appeal - that neither Respondent was an adverse party.

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:

RELATED CASES

Hejazi v. Buseman PC and Buseman,
No. 20CV20202, Lane County Circuit Court (Oregon).
Judgement entered September 29, 2020.

Hejazi v. Buseman PC and Buseman,
No. A174786, Oregon Court of Appeals.
Judgement entered February 9, 2021.

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STATUTES AND RULES

Oregon Revised Statutes (ORS)	
19.270 (2)(a)	3, 4
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19.250 (1)(c)(d)	3, 4
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Oregon Revised Appellate Procedures (ORAP)	
2.05 (10)(a)	3, 4

OTHER

Appellate law doctrine and principle: that an 'adverse party' is one adverse to an appellant (or appeal).	3, 4
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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 _____ 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 _____ 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 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 Oregon Supreme Court 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.

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 May 20, 2021.
A copy of that decision appears at Appendix B.

☐ 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

Each of Oregon Revised Statutes (ORS) 19.270 (2)(a), 19.240(2)(a), 19.250 (1)(c)(d), 19.500, and Oregon Revised Appellate Procedures (ORAP) 2.05 (10)(a), all stating "... a notice [service] on all parties who have appeared in the action, suit, or proceeding [or "... who have appeared in the trial court"]"—setting forth the important and extensively held appellate law doctrine and principle: that an 'adverse party' is one adverse to an appellant (or appeal).

STATEMENT OF THE CASE

On October 13, 2020 Petitioner filed an appeal on a lower circuit court decision, the court having erred in dismissing Petitioner's suit for lack of service, while having obstructed said service from taking place - by denying Petitioner's sheriff's service fee deferral or waiver* on erroneous grounds meriting appeal (essential to Petitioner given their incarcerated, pro se, and indigent status) - an issue also appealed.

On February 9, 2021 the Appellate Commissioner determined, on their own, without justification, nor the facts to substantiate the determination, that Respondents were adverse parties - and so needed to have been served with Petitioner's notice of appeal - ~~the court dismissing said appeal without Petitioner's notice of appeal~~ - thus dismissing said appeal for lack of jurisdiction.

Petitioner sought a reconsideration and later Oregon Supreme Court review (both denied) on the grounds that Respondents were not adverse, nor could be, never having appeared nor been served or summoned in the suit appealed, and that Petitioner had made this perfectly clear in their notice of appeal; citing ORS 19.270 (2)(a), 19.240(2)(a), 19.250 (1)(c)(d), 19.500, and ORAP 2.05 (10) (a), including and supporting the appellate doctrine, that an adverse party is one adverse to an appellant (or appeal). See *Graves v. Shippy*, 215 Ore. 616, 300 P.2d 442, 1956 Ore. Lexis 219, (Or. 1956), holding that only adverse parties need be served.

4.

*application

REASONS FOR GRANTING THE PETITION

In reality Petitioner had explicitly made it clear in their notice of appeal that (a) Respondents were not adverse, (b) having never appeared in, nor been served or summoned in the lower circuit court case underlying Petitioner's appeal, nor otherwise in any lower circuit court proceeding - (of which there were none) - the case having been dismissed for want of prosecution, for lack of service on the Respondents, or lack of Respondents' appearance (the circuit court erring in refusing sheriff's service fee deferral or waiver - prompting Petitioner's appeal) - Petitioner expressing the same in their reconsideration and subsequent petition for review, citing the relevant and authoritative laws and appellate doctrine.

Thus ^{the} Appellate Commissioner was plainly in error; an issue of arbitrary, capricious, and anarchistic jurisprudence and judicial decision making*; wherefore the Oregonian appellate courts distorted and misapplied the law; a significant issue of law; wherein a good faith meritorious appeal is being disallowed on completely erroneous jurisdictional construals of what was true or needed to have happened - of the broadest public interest and impact; lest the rule of law be

* Especially demonstrated by the fact that Oregon's appellate courts allow multiple appeals where no non-adverse parties are served with any notice of appeal - contrary to the court's demands in the case at issue.

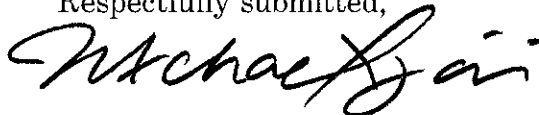
abandoned.

This court should grant writ so to affirm the importance of fair due process in proceedings—to disallow appellate courts from boldly and wrongly making up reasons for determining an appeal to be improperly filed—all for no good reason whatsoever; Oregon here making a mockery of justice.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Hamid Michael Hejazi

Date: August 18, 2021