

AUG 20 2021

OFFICE OF THE CLERK

No. _____

21-5763

IN THE

SUPREME COURT OF THE UNITED STATES

Hamid Michael Hejazi — PETITIONER
(Your Name)

vs.

Downtown Eugene, Inc. — 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

QUESTION(S) PRESENTED

1) Was the Appellate Commissioner justified in dismissing Petitioner's appeal on the jurisdictional ground of the need for service of the filed notice of appeal upon all adverse parties - when, as Petitioner made it clear in their filed notice of appeal, and as it was true, based on the fact of Respondent not being adverse, they never having appeared in any lower circuit court proceedings (there being none held), nor in the case at all, never having been served or summoned (the lower circuit court case having been dismissed for want of prosecution, for lack of service upon or appearance of Respondent)?

2) Was the Oregon Supreme Court justified in refusing to grant review - even though the Appellate Commissioner's dismissal was completely arbitrary and unjustified by the law?

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. Downtown Eugene, Inc.,
No. 20CV17618, Lane County Circuit Court (Oregon).
Judgement entered October 2, 2020.

Hejazi v. Downtown Eugene, Inc.,
No. A174873, Oregon Court of Appeals.
Judgement entered February 2, 2021.

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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Graves v. Shippy, 215 Ore. 616, 300 P.2d 442, 1956 Ore. Lexis 219 (Or. 1956) 4.

STATUTES AND RULES

Oregon Revised Statutes (ORS)

19.270 (2) (a) 3, 4

19.240 (2) (a) 3, 4

19.250 (1) (c) (d) 3, 4

19.500 3, 4

Oregon Revised Appellate Procedures (ORCP)

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

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).

2.

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 31, 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 having taken place—by denying Petitioner's Sheriff's service fee deferral or waiver* (essential to Petitioner given their incarcerated pro se (indigent status) on erroneous grounds, meriting appeal.

On February 2, 2021 the Appellate Commissioner determined, on their own, without justification, nor the facts to substantiate the determination, that Respondent was an adverse party—and so needed to have been served with 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 Respondent was not adverse, nor could be, 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.

** application

REASONS FOR GRANTING THE PETITION

In reality Petitioner had made it explicitly clear, in their notice of appeal, that (a) Respondent was 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 court proceeding (of which there were none)—the case having been dismissed for want of prosecution, for lack of service on the Respondent (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, al constructions of what was true or needed to have happened—of the broadest social interest and impacts; lest the rule of law be abandoned.

This court should grant writ so to affirm the importance of fair due process in proceedings—to disallow appellate

* 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 demands made in the case at issue. 5.

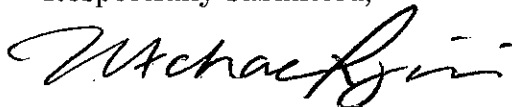
Hejazi v. Downtown Eugene, Inc.

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