

AUG 05 2021

OFFICE OF THE CLERK

No. 21-6984

IN THE
SUPREME COURT OF THE UNITED STATES

Hamid Michael Hejazi — PETITIONER
(Your Name)

vs.

State of Oregon — 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

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 it justified for the Oregon Supreme Court to deny review of the appellate commissioner's decision to dismiss Petitioner's appeal - on the basis of the circuit court's order of denial and dismissal of Petitioner's motion for relief from a judgement for fraud upon the court (Per ORCP 71) not being appealable?
- 2) Should a denial and dismissal of a motion for relief from a judgement for fraud upon the court be deemed to be appealable - so to be able to have errors by the lower court in said proceeding* be reviewed?

*'and determination'

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:

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19.205 (5)

33.125

133.035

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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 _____ 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☐ is unpublished.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☐ is unpublished.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☒ is unpublished.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 Court of Appeals 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.

1.

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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 6, 2021.
A copy of that decision appears at Appendix A.

☐ 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).

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CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Oregon Revised Civil Procedure (ORCP) 71 - a standard that allows a party to seek relief (or modification) from a judgement for fraud having been done to the court.

Also, the standard for appeals of orders and judgements - one that allows appeals of orders and judgements with a determinative, dispensative, nature - so to ensure the propriety of the court's decision and procedures. (ORS 19.205(3) and 19.205(5)).

Finally, the constitutional right to bring suit, or to seek redress from the government; setting forth the right to have legal issues determined in a manner that is in keeping with the law, including with the due process of the law - such that all legal processes are fair and partial to justice, to correctness, not arbitrary.

STATEMENT OF THE CASE

Petitioner filed for relief from a judgement of contempt, when Petitioner's judgement proved to have been gotten by frauds (perpetuated by the local government - so to frame Petitioner). The trial court denied Petitioner's motion without a hearing, justice, counsel appointment (as entitled), or right to receive Respondent's pleadings on point. As such Petitioner filed the appeal underlying this petition; which was deemed unappealable*.

Petitioner filed for a reconsideration and review by the Oregon Supreme Court, both of which were denied - hence prompting this petition.

*The appellate commissioner cited ORS 33.125 and 133.035.

REASONS FOR GRANTING THE PETITION

The Oregon Court of Appeals decision, refused to be granted review, that a denial and dismissal of a motion for relief from a judgement for fraud upon the court, is not appealable^{*}, is wrong — in that a dispositional decision on a case is appealable, and the order at issue is dispositional (being wholly determinative).^{**}

Dispositional orders are reviewable in that only by a review of these can litigants ensure propriety at the trial court level — and that is a constitutional right (that is, to ensure the constitutionality of the department and propriety of the trial court). There is no other way to do so.

As such, the issue of the appealability of Petitioner's underlying motion denial and dismissal is of the highest and broadest importance to the rule of law.

Namely, in this case, right to fairness, to

^{*}The court erroneously relied 5.
Upon ORS 33.125 and 133.035 -
both of which have no bearing.

due process, to not be forced to endure a judgement of contempt gotten by fraud upon the court^{**}, and right to seek redress of greivances, among others, were infringed upon - not to mention right to counsel (set by statute).

Shame upon Oregon for her frauds, her barbarity, and upon her courts: ~~for~~ allowing her to so offend - a 'pythonic catechism'.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Michael J. Jari

Date: August 4, 2021

** (from the last page) See ORS 19.205 (3) and 19.205 (5) "... effecting a substantial right." A judgement gotten by fraud and the right to have it corrected are substantial.

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