

No. **21-6985**

Supreme Court, U.S.
FILED

NOV 17 2021

OFFICE OF THE CLERK

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) ID# 89176 / Bird 2
Oregon State Hospital
2600 Center Street N.E.

(Address)

Salem, OR 97301

(City, State, Zip Code)

N/A

(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

- 1) Is it fair, just, sound, and prudent that the civil denial and dismissal of a 'motion for relief from a judgement for fraud upon the court' be considered to be unappealable when the order(s) are upon a contempt judgement — on the basis that a contempt judgement must be appealed within 30 days of entry — and the motion for relief was and may be brought once evidence of the fraud upon the court is found?
- 2) May counsel be refused for a ~~petition~~ petition for review when counsel is granted by virtue of the given class of case upon appeal — 'contempt'?
- 3) Should a refusal to grant relief for fraud upon the court, when the refusal comes by way of several kinds of constitutional level impropriety ^{by} ~~upon~~ the trial court, be allowed to be subject to review upon appeal — when the judgement is for contempt by the petitioner?

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

Oregon v. Hejazi, No. 18CN02621, Lane County Circuit Court (Oregon). Judgement entered June 29, 2018.

=> New Judgement on Motion for Relief entered October 1, 2020.

Oregon v. Hejazi, No. A174869, Oregon Court of Appeals. Appellate Commissioner's Dismissal entered November 17, 2020.

=> Final Judgement entered March 25, 2021.

Oregon v. Hejazi, No. S068582, Oregon Supreme Court. Judgement entered ~~on~~ July 8, 2021.

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CASES

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Petitioner has very little or no, less than 10 minutes of law library access afforded to them per week, here at the Oregon State Hospital (see long and well documented history of patient abuse by the Oregonian mental health system - ongoing); as such on November 9, 2021 when Petitioner had a full 15 minutes access he managed to pull:

Ex parte Hull, 312 U.S. 546, 61 S.Ct. 640, 85 L.Ed. 1034 (1941)*

STATUTES AND RULES

Oregon's courts systematically violate incarcerated individuals' access to the Court and Court Records (extensively documented) - however from memory

Petitioner has recalled the issues at stake in this appeal - now become a petition. Not having access to the law library certainly exacerbates this problem.

From memory: petitioner notes that the court of appeals made reference to the statute that prescribes how an appeal from a 'contempt' judgement may come; though they discount how a motion for relief from a judgement (for fraud upon the court) may be brought.

OTHER

That in the law orders of dismissal affecting claims for relief may be brought ^{to} ~~upon~~ appeal - for to ensure propriety by the trial court.

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* Concerning reasonable access to law libraries for incarcerated individuals - which this hospital is violating - further justifying this petition being deemed timely.

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 C 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 July 8, 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).*

*As to timeliness, in equity Petitioner's filing should be considered timely brought as they have been incapacitated as part of their incarceration at the Oregon State Hospital which began on September 13, 2021 - they being provided with this legal form only on November 7, 2021 (see Appendix E letter) 2. Page 7 of 11

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

As discussed on page 7 of this petition—as to the issue of timeliness, and the issue of incapacity, *Ex parte Hull*, 312 U.S. 546, 61 S.Ct. 640, 85 L.Ed. 1034 (1941) comes up, as to the establishment that access to a law library and aid with getting legal forms is an issue of due process for incarcerated individuals, such as Petitioner.

Moreover, provided that access to law library has been illegally limited by the Oregon State Hospital (as their systematic abuses all well and extensively documented—by history, Oregon being founded on tenets running contrary to jurisprudence, equity, and republicanism^{*}), it's also noteworthy, here, that Petitioner must refer to constitutional and statutory provisions involved by memory alone.

By memory alone: Petitioner notes that the court of appeals dismissed Petitioner's appeal of the lower trial court's dismissal and denial of their motion for relief from a judgement (for fraud upon the court), per ORCP 71—on the grounds of the manner in which appeals of judgements of 'contempt' were to be advanced; disregarding the fact that ORCP relief motion decisions, as denials of relief, could be appealed, to ensure propriety of the trial court decision.

3.

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*Oregon founded by confederates against federalism and equality.

STATEMENT OF THE CASE

Petitioner was held in 'contempt' in a judgement by the trial court - where the local Lane County government fraudulently framed Petitioner as a 'cop killer terrorist' (all to hide their murder of U.S. veteran Jack Noriss Isitt), all well documented. Petitioner, once proof of the fraud was established, as ~~ad~~ admitted to by Eugene Police Officers Rankin and Alvarez, filed an ORCP 71 motion for relief from the judgement (as an alternative to criminal conviction post conviction relief, federal habeas corpus - provided that contempt is a quasi-criminal 'civil' judgement).

The motion was arbitrarily denied by the same judge whom was involved with perpetration of the coverup and framing of Petitioner - as it is evident from the extensive record; Judge Clair Rigmaiden. Moreover the trial court, by the biased judge, held a secret hearing, refused to allow Petitioner to read the responsive pleading of the prosecution; also, they refused to appoint Petitioner counsel, etc - allowing the fraud to be further perpetrated - so to hide the crimes of the local government, police, and the murder of Isitt by Lane County Sheriff's deputies, etc.

Petitioner sought a reconsideration - as well as appealed. The appeal was dismissed on the grounds that appeals (of convictions) of judgements of 'contempt' had to be brought within 30 days (of June 29, 2010). Though the court completely disregarded, as argued on appeal reconsideration and petition for Supreme Court Review (also denied) that appeal was available to dismissals of civil motions for relief from 'fraud' gotten judgements.

REASONS FOR GRANTING THE PETITION

wherefore a 'civil' contempt judgement, under a motion for relief from a judgement for fraud upon the court, is an order (albeit a denial and dismissal of that motion) that is appealable—to ensure propriety of the trial court's decision and processes (as to fairness, etc)—and provided that there exist constitutional problems that are sound for review under appeal (such as the trial court's secret hearing, refusal of counsel appointment, refusal of disclosed pleading on the motion by the prosecution, filed in response to the same, denied attendance and/or participation by the movant defendant (now petitioner), including illegal collusion by the judge, and constitutional impropriety in the judgement of contempt itself (being used by the local government to hide their crimes, including the cold blooded murder of a veteran, etc), thus the court of appeals most certainly improperly dismissed petitioner's appeal—all on the basis that contempt judgement had to be brought within 30 days of the original entry of a judgement of contempt. This court must thus intervene to stop the Oregonian appellate courts from allowing the trial court to erroneously hide behind the lack of an earlier judgement date (the first one)—when what's at stake is

5.

The later decision (one that precludes relief - and so as a civil matter may be brought up on appeal) on the 'motion for relief for fraud upon the court' and subsequent denied reconsideration - later denied supreme court review (sought in the place of post conviction relief, habeas review) - for there exists in natural law jurisprudence, in equity and distributive justice, an overarching legitimate interest based right to ensure propriety by the trial court - upon that denial and dismissal of sought after relief for the fraud.

This court must guard against this nation's courts colluding with criminality, murder, framing, fraud, and anarchy by state actors. ***

CONCLUSION

The petition for a writ of certiorari should be granted. *

Respectfully submitted,

Michael J. Jiri

Date: November 16, 2021

* Timeliness is established, in equity, by Petitioner's incarceration here at the Oregon State Hospital - an infamous civil and human rights violator - as demonstrated by the letter cited and found at Appendix E; wherefore petitioner was incumbured and incapacitated in pursuit of their appellate rights from Sept. 13/21 on.

*** see Appendix D, where right to counsel was precluded by the Supreme Court of Oregon - though the class of case ('contempt') allowed it. Page 11 of 11
6.