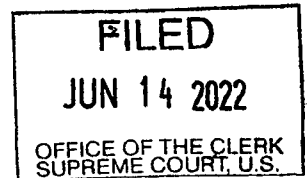


ORIGINAL

22-5118



IN THE
US Supreme Court

BEJAN DAVID ETEMAD

Petitioner,

v.

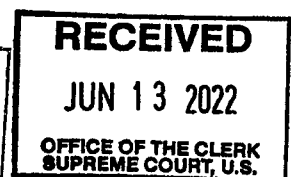
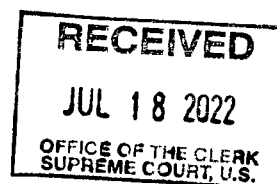
STATE OF NORTH DAKOTA

Respondent,

On Writ of Certiorari to the
North Dakota Supreme Court

PETITION FOR A WRIT OF CERTIORARI

BEJAN DAVID ETEMAD
1925 1st Ave. #B402
Seattle, WA 98101
(206) 441-3551



QUESTIONS PRESENTED

- 1) Can North Dakota Supreme Court abrogate their own rules? Specifically Rule 24 (*see appendix page 5*).
- 2) Does the United States Supreme Court have jurisdiction over North Dakota's appellate court rules to insure they are followed?

PARTIES TO THE PROCEEDINGS

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DIRECTLY RELATED PROCEEDINGS

- 1) North Dakota Supreme Court Docket No. 20210343
(2022 ND 81)
- 2) Grand Forks District Court Docket No. 18-2021-CV-
00903

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INTRODUCTION

Rule 24 is a North Dakota appellate court procedure that allows the indigent defendant to argue reason(s) for appeal that the court appointed attorney failed or refused to do so. *See appendix.*

In this instant case Rule 24 was completely ignored. ETEMAD's petition was timely filed and correctly formatted and contained substantive law for review. The petition was discounted and no ruling was made.

JURIDSTICTION

On May 10, 2021 ETEMAD applied for post-conviction relief in Grand Forks District Court. It was docketed under Case #18-2021-CV-00901. It was DENIED. ETEMAD timely filed an appeal. It was docketed under Case #20210343. The lower court's ruling was AFFIRMED on April 14, 2022 and the petition for rehearing was DENIED on April 29, 2022. *See appendix.*

STATEMENT OF THE CASE

ETEMAD's attorney filed the appeal based on the record from the district court evidentiary hearing and ruling. This was AFFIRMED in the ruling.

ETEMAD, personally, filed a brief outlining his arguments that was not covered by the court appointed council. ETEMAD's petition conformed to all current rules for format and substance.

The North Dakota Supreme Court took judicial notice that they are not required to read it.

This seems arbitrary and is in direct violation of the *Fourth Amendment outlined in the Bill of Rights addendum to the United States Constitution.*

REMEDY SOUGHT

Order the North Dakota Supreme Court to review and opine on ETEMAD's brief even if to say "Its substance has no material value or was improperly docketed."

REASONS FOR GRANTING THE PETITION

ETEMAD has no other remedy.

CONCLUSION

For the foregoing reasons, this Court should grant the Petition for Writ of Certiorari.

Respectively submitted,
/s/ david etemad
June 6, 2022

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