

No. 22-6594

Supreme Court, U.S.
FILED

JAN 10 2023

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

JAMES M. FAYED PETITIONER
(Your Name)

vs.

WARDEN, C.S.P. - SQ — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

" U.S. CIRCUIT COURT - NINTH C.C.A. "
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

JAMES MICHAEL FAYED
(Your Name)

#AK3340, C.S.P. - SQ
(Address)

SAN QUENTIN, CA. 94964
(City, State, Zip Code)

N.A.
(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

- Please See attached, Additional
SPACE WAS REQUIRED.

"CAPITAL CASE"

JAMES MICHAEL FAYEN (PRO-SE)
#AK 3340, CSP-SAN QUENTIN
SAN QUENTIN, CA. 94964

CASE NO:

"CAPITAL CASE"

• QUESTIONS PRESENTED •

NO-1) IS NOT "18 USC § 3142" [KNOWN
AS THE CONGRESSIONAL BAIL REFORM ACT
OF 1984] AND ALL THE PROVISIONS THEREIN,
BINDING AND OBLIGATORY LAW FOR (AND)
UPON THE UNITED STATES FEDERAL
COURTS?

NO-2) IS NOT THE U.S. CIRCUIT COURT -
NINTH C.C.A., TASKED WITH SUPERVISORY
AUTHORITY OF THE LOWER COURTS IN THEIR
JURISDICTION, INCLUDING THE AUTHORITY
TO - ENFORCE - BINDING AND OBLIGATORY
LAW UPON LOWER COURTS?

[CONT'D]

1
2 NO-3) IF FEDERAL CLAIMS ASSERTED
3 IN STATE COURT HAVE COMPLETED "ONE
4 FULL ROUND OF ESTABLISHED APPELLATE
5 REVIEW BY THE STATE'S HIGHEST COURT",
6 AND UPON [THIS] REVIEW THE STATE'S
7 HIGHEST COURT CONSIDERS THESE CLAIMS
8 FULLY SETTLED AND [WILL NOT] RE-REVIEW
9 THESE FEDERAL CLAIMS, ARE NOT THESE
10 CLAIMS NOW CONSIDERED "EXHAUSTED
11 IN STATE COURT" AND FURTHER, ARE NOT
12 THESE SAME CLAIMS NOW PERMITTED
13 TO BE RAISED IN FEDERAL COURT [VIA]
14 FEDERAL HABEAS CORPUS UNDER
15 "28 USC § 2254" ?
16
17

18 NO-4) IF AN INDIVIDUAL, BASED ON [AND]
19 AS CHARGED IN FEDERAL COURT, CLEARLY
20 AND UNEQUIVOCALLY FALLS UNDER THE
21 "MANDATORY BAIL - PRETRIAL RELEASE
22 PROVISIONS" OF 18 USC § 3142, AND
23 THIS SAME INDIVIDUAL HAS THE WAYS
24 AND MEANS TO POST THE APPLICABLE
25 BAIL (AND/OR) APPEARANCE BOND,
26
27

28 [CONT'D]

1
2 NO-4.) CONT'D:

3
4 yet the U.S. DISTRICT COURT IN
5 THIS INSTANCE - REFUSES - TO COMPLY
6 WITH "18 USC § 3142" [and] INSTEAD
7 DELIBERATELY ORDERS PRE-TRIAL
8 DETENTION IN A FEDERAL METROPO-
9 LITAN DETENTION CENTER, IS NOT
10 - THAT - UNLAWFUL AND FALSE IMPRISON-
11 MENT OF SAID INDIVIDUAL ?
12

13
14 NO-5.) IF AN INDIVIDUAL IS FALSELY
15 AND UNLAWFULLY IMPRISONED IN A
16 FEDERAL DETENTION CENTER, AND WHILE
17 FALSELY IMPRISONED [EVIDENCE] IS
18 OBTAINED DIRECTLY AS A RESULT OF,
19 AND DIRECTLY DERIVED FROM THEREIN,
20 IS NOT THAT EVIDENCE [NOW] UN-
21 LAWFULLY OBTAINED, WITH SAID EVIDENCE
22 AND THE "FRUITS" OF THAT EVIDENCE
23 CONSIDERED - TAINTED - AND INADMISS-
24 ABLE AGAINST FALSELY IMPRISONED
25 INDIVIDUAL BY THE GOVERNMENT ?
26

27
28 • [END OF QUESTIONS PRESENTED]

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

- Please see Attached, Extra
SPACE REQUIRED.

• RELATED CASES •

• UNITED STATES VS. FAYED, CR-08-0224, CENTRAL DISTRICT CALIFORNIA, Dismissal entered: 15 SEPTEMBER, 2008.

• People vs. FAYED, BA346352, LOS ANGELES SUPERIOR COURT, Judgment entered: 17 NOVEMBER, 2011.

• People vs. FAYED, S198132, CALIFORNIA Supreme Court, JUDGMENT ENTERED: 02 APRIL, 2020.

• FAYED VS. CALIFORNIA, #20-244, UNITED STATES SUPREME COURT, WRIT OF CERTIORARI, DENIED: 11 JANUARY, 2021.

• FAYED VS. WARDEN, CSL-SQ - 02-22-CV-05120-SRG, U.S.D.C. CENTRAL DISTRICT CALIFORNIA, Dismissal entered: 11 AUGUST, 2022.

[CONT'D]

1
2
3 • Related CASES - CONT'D •
4

- 5
6 • FAYEN VS. WARDEN, CSP - SAN QUENTIN,
7 # 22-99010, U.S. CIRCUIT COURT -
8 NINTH C.C.A., DENIAL ENTERED:
9 15 SEPT, 2022 - REHEARING MOTION
10 DENIED: 27 OCTOBER, 2022.
11

12
13 [END - Related CASES]
14
15

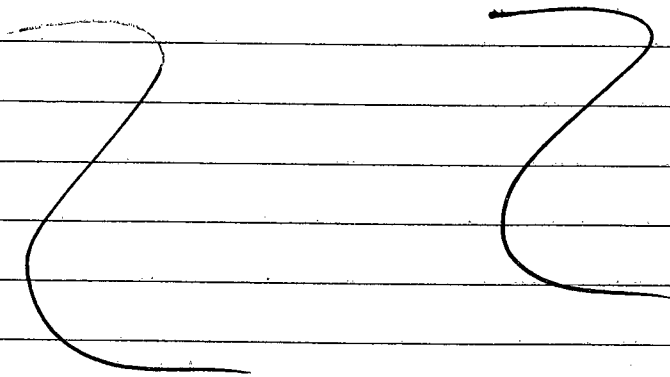


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• Please See Attached Index

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- Appendix - D: Decision on Direct Appeal by California Supreme Court.
- Appendix - E: Transcript of [first] Federal Detention Hearing, U.S.D.C. - Central District Calif.
- Appendix - F: Transcript of [second] Federal Detention Hearing, U.S.D.C. - Central District Calif.
- Appendix - G: Copy of Motion for Re-hearing, U.S. Circuit Court - Ninth.

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27 JUSTICE ASSISTANCE, UPHOLDING THE RULE OF
28 LAW - PREVENTING WRONGFUL CONVICTIONS" -

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[END]

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 "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 United States district 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.

☒ For cases from state courts:

The opinion of the highest state court to review the merits appears at Appendix D to the petition and is

☒ reported at 9 CAL. 5th, 147 (2020); or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the _____ 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.

JURISDICTION

☒ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was 15 SEPTEMBER, 2022

☐ 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: 27 OCTOBER, 2022, and a copy of the order denying rehearing appears at Appendix 10.

☐ 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 02 APRIL, 2020.
A copy of that decision appears at Appendix D.

☐ 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).

PG-02

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- Please see attached, Additional
Space Required.

PG-03

* CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- IV (4th) Amendment, U.S. Const. (ET AL.)
- V (5th) Amendment, U.S. Const. (ET AL.)
- VI (6th) Amendment, U.S. Const. (ET AL.)
- VIII (8th) Amendment, U.S. Const. (ET AL.)
- XIV (14th) Amendment, U.S. Const. (ET AL.)
- "Fruit of the Poisonous Tree Doctrine" (ET AL.)
- FEDERAL "MESSIAH" RIGHTS (ET AL.)
- "18 USC § 3142" (ET AL.)
- "18 USC § 1960" (ET AL.)
- "28 USC § 1257" (ET AL.)
- "28 USC § 1451" (ET AL.)
- "28 USC § 2253" (ET AL.)
- "28 USC § 2254" (ET AL.)

STATEMENT OF THE CASE

- Please see attached, Additional
SPACE Required.

PG-05

• STATEMENT OF THE CASE •

• Petitioner in this CASE is a "NOBODY", a WRONGFULLY CONVICTED and INNOCENT man ON CALIFORNIA'S "DEATH-ROW", a SIMPLE LAW-ABIDING U.S. CITIZEN BORN (AND) RAISED IN WASHINGTON D.C., a BUSINESSMAN, an ENTREPRENEUR, WHO PAID HIS TAXES ON-TIME and supported a family of his own. PRIOR to his FALSE IMPRISONMENT (AND) subsequent UNLAWFUL - WRONGFUL CONVICTION in STATE COURT, Petitioner had - NO - ARRESTS OR CRIMINAL HISTORY WHATSOEVER.

• Petitioner is NOT AN ATTORNEY, he is NOT TRAINED (OR) EDUCATED in the field of LAW OR LITIGATION. IN FACT, the legal professionals and the courts that were supposed to protect Petitioner's Rights in this CASE failed, and failed MISERABLY.

[CONT'D]

1
2 • Therefore, Petitioner comes before
3 this Most esteemed Court, the HIGH-
4 EST COURT in the LAND, populated
5 with TRUE LEGAL scholars (and)
6 presided over by HIGHLY VENERATED
7 JURISTS therein, known as "Justices".
8

9 • A COURT OF LAST RESORT, with a
10 LONG HISTORY of "RIGHTING" WRONGS,
11 Protecting and ENFORCING the RIGHTS
12 and PRIVILEGES GUARANTEED by the
13 CONSTITUTION of this GREAT NATION.
14

15 • A COURT enshrined with the DUTY and
16 HONOR to protect the RIGHTS of this
17 NATION's Citizens, equally and fully,
18 without fail, even I=F and
19 I=her those RIGHTS belong to
20 a Simple Citizen, a "NOBODY".
21

22 • Petitioner has NO other Avenue of
23 Relief available and seeks Relief
24 in this Supreme Court of the
25 UNITED STATES as a COURT of
26 LAST RESORT.
27

28 [CONT'D]

* UNLAWFUL FALSE IMPRISONMENT OF
Petitioner Violated: 4th, 5th, 8th,
and 14th Amendments (ET AL.) - U.S. CONST.,
AS WELL AS FLAGRANTLY VIOLATED THE
"MANDATORY BAIL / MANDATORY PRE-TRIAL
RELEASE" PROVISIONS FOR NON-ENUMERATED
FEDERAL OFFENSE(S), OF 18 USC § 3142,
KNOWN AS THE CONGRESSIONAL BAIL
REFORM ACT (ET AL.)..

NOTE: PLEASE SEE Appendix FOR COURT
Reporter's TRANSCRIPTS OF PETITIONER'S
[FIRST] and [SECOND] FEDERAL
DETENTION HEARINGS, U.S.D.C. - CENTRAL
DISTRICT OF CALIFORNIA..

- Petitioner and his Attorneys went
before HONORABLE U.S. MAGISTRATE
JUDGE RALPH ZAREFSKY, ON/ABOUT
04 AUGUST, 2008 TO DETERMINE
BAIL - APPEARANCE BOND AMOUNT, and
SET "PRE-TRIAL RELEASE" CONDITIONS
FOR PETITIONER'S FEDERAL CHARGE
FOR A WHITE COLLAR OFFENSE, NON-
ENUMERATED CRIME, "ONE COUNT
VIOLATION OF 18 USC § 1960,
RUNNING AN UNLICENSED BUSINESS.

[CONT'D]

1
2 • At this (FIRST) Detention Hearing
3 the U.S. Attorney's Office was
4 DEMANDING "PRE-TRIAL Detention and
5 a NO-BAIL HOLD" for Petitioner.
6 HONORABLE U.S.M.J. ZAREFSKY
7 Fully considered the U.S. Attorney's
8 Position, ultimately deciding THAT
9 - AS CHARGED - in his Court, the
10 CONGRESSIONAL BAIL REFORM ACT
11 (18 USC § 3142 ET AL.), as well as
12 BINDING and OBLIGATORY LAW via
13 the NINTH C.C.A., and the fact(s)
14 that Petitioner was -NOT- charged
15 with ANY enumerated crime, nor
16 did Petitioner meet -ANY- of the
17 enumerated qualification(s) for
18 PRE-TRIAL Detention, therefore:
19 Petitioner was entitled to BAIL
20 and SET APPEARANCE-BOND OF
21 \$500,000 ~~or~~ (and) SET CONDITIONS
22 therein.

23
24 • Petitioner AGREED TO TERMS, his
25 Attorneys requested to post the
26 BOND the same DAY and have
27 Petitioner Released from FEDERAL
28 Custody Forthwith.

[CONT'S]

PG-09

1
2 • Despite these facts the U.S.
3 Attorney continued to demand pre-
4 trial Detention and sought a
5 Review of Hon. U.S.M.J. ZAREFSKY'S
6 Decision.

7
8 • At the [second] federal Detention
9 Hearing before Honorable U.S.D.J.
10 WRIGHT, the U.S.A.O. argued
11 the same points as the first
12 hearing, but in addition also
13 presented a document authored
14 by the LOS ANGELES POLICE DEPART-
15 ment (entitled: "Detention-Script"),
16 this document outlined - why - the
17 L.A.P.D. "DEMANDED" Petitioner
18 be held in federal custody,
19 based on a STATE Investigation
20 less than a week old and UN-
21 charged "ALLEGED" STATE OFFENSES.

22
23 • A.U.S.A.³ Aevis and ALON even went
24 further "into the RABBIT HOLE" AND
25 willfully and deliberately - MISCEAD-
26 JUDGE WRIGHT [THAT] Petitioner's
27 EXUMERATED FEDERAL CHARGES ALLOWED
28 FOR CONTINUED PRE-TRIAL DETENTION.

[CONT'D]

- U.S.D.J. WRIGHT ULTIMATELY SIDED WITH THE U.S. ATTORNEY'S OFFICE, STATING ON THE RECORD: "I COULD CARE LESS ABOUT THE LICENSING CHARGE, IF THAT WERE THE ONLY ISSUE HERE PETITIONER WOULD'VE BEEN HOME LONG AGO", FURTHER OVER-RULING THE PREVIOUS HEARING'S FINDINGS, AND ORDERING THE CONTINUED FEDERAL INCARCERATION OF PETITIONER - "FORTHWITH".

NOTE: PETITIONER NEVER HAS BEEN, NOR NEVER WAS EVER, CHARGED WITH AN OFFENSE THAT - MET - THE REQUIREMENTS FOR NO-BAIL, PRE-TRIAL DETENTION.

- PETITIONER WAS RETURNED TO M.D.C. - LOS ANGELES AND ASSIGNED A (NEW) CELLMATE. THIS CELLMATE WAS PRESENTED TO PETITIONER AS "A PRISON-GANG SHOTCALLER". LATER, IT WAS DISCOVERED THAT THIS CELLMATE WAS ACTUALLY A JAILHOUSE / CONFIDENTIAL FEDERAL INFORMANT WELL KNOWN TO B.O.P.

[CONT'D]

PG-11

1
2 • Petitioner was 'locked-down' with
3 this Informant, in the same cell,
4 for approximately two-months.
5 At the instruction (and) direction
6 of the Los Angeles Police Department
7 and the U.S. Attorney's Office,
8 the Informant + Deliberately and
9 Directly elicited + statements
10 from Petitioner while Petitioner
11 was falsely imprisoned.

12
13 • Petitioner's statements were
14 recorded by a miniature "Body-
15 wire" fitted upon Informant by
16 the F.B.I. and L.A.P.D., know-
17 ing full well that Petitioner
18 had invoked his rights under
19 the 5th (and) 6th Amendments
20 (U.S. Const.) + numerous times +
21 to authorities, and knowing full
22 well that Petitioner was
23 thoroughly represented by [TEAMS]
24 of retained attorneys for - ALL -
25 matters, private and public,
26 personal and corporate.

27 [CONT'D]
28

• The Federal and STATE Authorities entirely ignored Petitioner's Constitutional RIGHTS and well established LEGAL Precedence from DAY-ONE.

• The STATEMENTS recorded by the Petitioner's Cellmate / INFORMANT were Immediately used by the STATE TO CHARGE (and) prosecute Petitioner in Los Angeles Superior Court, thusly securing a Guilty Verdict and DEATH sentence + BASED ENTIRELY upon these statements. AS the Primary CASE IN CHIEF + WITH Authorities KNOWING FULL WELL these STATEMENTS VIOLATED Petitioner's Rights UNDER "The Fruit of the Poisonous Tree DOCTRINE" (et al.) - FEDERAL "MESSIAH RIGHTS" (et al.), AND further, Authorities were wholly Violating Petitioner's Rights UNDER the 4th / 5th / 6th / 8th / 14th Amendments (U.S. Const.), and [THAT] Petitioner WAS falsely IMPRISONED when statements were made (in Violation of 18 USC § 3142).

[CONT'D]

PG-13

* Petitioner's FEDERAL CLAIMS IN STATE COURT HAVE BEEN "FULLY EXHAUSTED" (AND) SHOULD BE ALLOWED TO BE RAISED IN FEDERAL COURT (VIA) A FEDERAL HABEAS CORPUS Petition 28 USC § 2254.

1) Petitioner submitted a "PRO-SE" Habeas to U.S. DISTRICT COURT - Northern Calif, this Habeas WAS TRANSFERRED TO: U.S. DISTRICT COURT - Central District Calif and assigned "CASE NO: 02-22-CV-05120-SPG."

2) U.S.D.C. - Central Dismissed Petitioner's federal Habeas Petition - and the federal claims in STATE Court therein - AS: "UNEXHAUSTED".

3) Petitioner Appealed TO U.S. Circuit Court - Ninth C. CA., Asking for a "Certificate of Appealability" [C.O.A.] and "De-Novo" Review of Petitioner's federal Habeas.

[CONT'D]

1
2 • The NINTH - C.C.A. DISMISSED Petitioner's
3 appeal and denied a request for A
4 CERTIFICATE OF Appealability. Petitioner
5 TIMELY FILED A REQUEST for RE-HEARING
6 AND RE-HEARING "EN-BANC", these
7 were ALSO Denied.

8
9 • Petitioner's FEDERAL Habeas Consisted
10 entirely of FEDERAL CLAIMS IN STATE
11 COURT, these CLAIMS were DIRECTLY
12 "CULLED" FROM Petitioner's "DIRECT-
13 APPEAL" TO THE CALIFORNIA SUPREME
14 COURT (the STATE'S HIGHEST COURT).

15
16 • the CALIFORNIA SUPREME COURT Reviewed
17 these FEDERAL CLAIMS ON their Merits
18 and decided CONTRARY TO Petitioner
19 ON each CLAIM. IN CALIFORNIA,
20 the SUPREME COURT + WILL NOT +
21 RE Review [ANY] CLAIM ALREADY
22 DECIDED UPON ON it's MERITS,
23 AND CONSIDERS these types of
24 CLAIMS fully Reviewed and fully
25 Settled ON their Merit, AS
26 FAR AS the STATE IS CONCERNED.

27
28 [CONT'D]

1
2 • The FEDERAL CLAIMS PRESENTED IN
3 PETITIONER'S HABEAS ARE IN-FACT
4 "FULLY EXHAUSTED" IN STATE COURT,
5 CONTRARY TO THE OPINION OF THE
6 U.S.D.C. - CENTRAL.

7
8 • PETITIONER'S CLAIMS HAVE INDEED "RUN
9 THE GAMUT" OF STATE REVIEW, FROM
10 PRE-TRIAL, AT TRIAL, APPELLATE LEVEL,
11 DURING TRIAL (995-HEARING), POST-
12 TRIAL MOTION(S), and finally through
13 DIRECT-APPEAL TO THE CALIFORNIA
14 SUPREME COURT - THE STATE'S HIGHEST
15 COURT. THESE PARTICULAR ISSUES AND
16 CLAIMS ARE PART OF THE RECORD, THE
17 STATE CONSIDERS [THEM] FULLY
18 SETTLED AND WILL-NOT RE-REVIEW
19 THESE CLAIMS.

20
21 • THE ONLY RELIEF WITH THE STATE OF
22 CALIFORNIA AVAILABLE TO PETITIONER
23 IS A STATE HABEAS PETITION, WHICH
24 BY CALIFORNIA SUPREME COURT RULES,
25 "A STATE HABEAS [MUST] BE BASED
26 ON CLAIMS "OUTSIDE THE RECORD - AND
27 NOT PREVIOUSLY DECIDED UPON THE MERITS,
28 ON APPELLATE REVIEW".

[CONT'D]

PG-16

• Therefore, since the STATE considers these CLAIMS fully settled, and since these CLAIMS will NOT be reviewed by the STATE, AND further, because these CLAIMS are restricted from inclusion in a STATE HABEAS petition, Petitioner ACTUALLY has [NO] Avenue of Relief on these CLAIMS with the State - the ONLY Avenue of Relief for these CLAIMS is with the FEDERAL COURTS, thusly these "FEDERAL CLAIMS IN STATE COURT" ARE FULLY EXHAUSTED IN STATE COURT.

• Petitioner's CLAIMS ARE ALSO CONSIDERED "fully exhausted" under the following CONTROLLING LAW CASES, and DECISIONS of the UNITED STATES SUPREME COURT (and) the U.S. CIRCUIT COURT - NINTH C.C.A..

[CONT'D.]

• "O'SULLIVAN VS. BOERCKEL, 526 U.S., 838, 119 S. CT. 1728 (1999), " THE UNITED STATES SUPREME COURT explained the Habeas Exhaustion Requirement as follows. " Because the exhaustion doctrine is designed to give the STATE COURTS a full and fair opportunity to resolve federal constitutional claims before those claims are presented to federal courts... STATE PRISONERS MUST give the STATE COURTS one full opportunity to resolve any constitutional issues by invoking + one + complete round of the STATE'S established appellate review process before filing for federal habeas relief. " Exhaustion requires that a prisoner "fairly present" the substance of each federal constitutional claim to the STATE before seeking federal habeas relief.

[CONT'D]

- "28 USC § 2254 (b)(1)(A): BALDWIN vs. Reese (2004) 541 U.S. 27, 29 [124 S. CT. 1347: 158 L. ED 2d 64]: ALFARO vs. JOHNSON (9th CIR. 2017) 862 F.3d 1170, 1180."

i) "A person must exhaust STATE COURT remedies before filing a FEDERAL Habeas Petition."

- ROMAN vs. Estelle (9th CIR. 1990) 917 F.2d 1505, 1506; see generally O'SULLIVAN vs. Boerckel (1999) 526 U.S. 838, 842 [119 S. CT. 1728: 144 L. ED 2d 1]: CARROTHERS vs. Phay (9th CIR. 1979) 594 F.2d 225, 228.

i) "TO meet the exhaustion requirement the Petitioner must have provided the highest STATE COURT with the opportunity to rule on the issues in the case."

{CONT'D}

• Petitioner contends he has not only met, but exceeded the requirements for "Exhaustion in State Court" in this particular case and in this state.

* The Ninth Circuit Court of Appeals - ERRED - in denial of Petitioner's request for a "Certificate of Appealability" regarding the dismissal of Petitioner's habeas by the U.S. District Court - Central. Petitioner clearly met the standard for a (C.O.A.) under the following:

1) A petitioner is entitled to a Certificate of Appealability if he makes a substantial showing of the denial of a Constitutional Right - 28 USC § 2253(c) (2).

2) The U.S. Supreme Court in "Barefoot vs. Estelle, 463 U.S. 880, 893, (1983), held that this means the Appellant need not show that he would prevail on the merits, but must demonstrate that the issues are

[CONT'D]

PG-20

DEBATABLE AMONG JURISTS OF REASON, THAT A COURT COULD RESOLVE ISSUES IN A DIFFERENT MANNER, OR THAT THE QUESTIONS ARE ADEQUATE TO DESERVE ENCOURAGEMENT TO PROCEED FURTHER. THIS STANDARD DOES NOT REQUIRE THAT PETITIONER (SHOW) THAT HE IS ENTITLED TO RELIEF:

"WE DO NOT REQUIRE PETITIONER TO PROVE... THAT SOME JURISTS WOULD GRANT THE PETITION OF HABEAS CORPUS. INDEED, A CLAIM CAN BE DEBATABLE EVEN THOUGH EVERY JURIST MIGHT AGREE, AFTER THE "C.O.A." HAS BEEN GRANTED AND THE CASE HAS RECEIVED FULL CONSIDERATION, THAT THE PETITIONER WILL NOT PREVAIL."

- MILLER EL VS. COCKRELL, 537 U.S. 322, 338 (2003)

1) "DOUBTS AS TO WHETHER TO ISSUE A CERTIFICATE OF APPEALABILITY SHOULD BE RESOLVED IN FAVOR OF THE APPELLANT."

[CONT'D]

PG-21

* The Ninth C.C.A. NOT ONLY ERRED in denying petitioner's request for a "C.O.A.". The "Ninth" has also chosen to ignore and turn a BLIND-EYE TOWARDS, BLATANT, Willful and WANTON violations of petitioner's Rights by FEDERAL and State Authorities on a wholesale Basis. Violations such as; the deliberate and WANTON false imprisonment of petitioner deriving directly from the + Refusal + by the U.S. District Court to comply with BINDING (AND) obligatory provisions of 18 USC § 3142, entirely in Willful Disobedience of the U.S. Supreme Court (and) the Ninth C.C.A.

* The Ninth C.C.A. has also failed in (their) Supervisory Duty over the lower Courts in their Jurisdiction in this case. The "Ninth" has shown they are either UNWILLING TO (OF) UNABLE TO, + ENFORCE + OBLIGATORY LAW UPON the U.S. District Court - Central District of California.

[CONT'D]

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* The STATE OF CALIFORNIA has suspended the FEDERAL Writ of Habeas Corpus by deliberate and Willful Intent, Violating "ARTICLE - ONE & section Nine (U.S. Const.), DUE-PROCESS PROVISIONS OF the 14th Amendment (U.S. Const.).

1) The STATE Achieves this by deliberately + Refusing + to Appoint Habeas Attorneys to pursue CAPITAL Appeals beyond the STATE DIRECT-APPEAL Level. This (in effect) "ROAD BLOCKS" CAPITAL APPEALS, preventing FEDERAL Review OF CALIFORNIA'S CAPITAL VERDICTS FOR their LEGALITY.

2) The STATE, when it actually does Appoint Habeas Attorneys does so in a seemingly Random (and) entirely ARBITRARY MANNER. This is discriminatory in NATURE and effect, and also Violates the tenets of "EQUAL PROTECTION OF LAW", EQUAL ENFORCEMENT OF LAW in a NON DISCRIMINATORY MANNER

[CONT'D]

3) Petitioner has awaited Habeas Attorneys for over a decade. Petitioner has over two-hundred other CAPITAL Appellants "IN-LINE" and "IN-FRONT" of Petitioner. Most have awaited Habeas Attorneys for twenty to thirty years, with CASE'S DATING TO THE EARLY 1990'S still having NO Habeas Attorneys.

4) Petitioner has a better chance of dying in prison + with his Appeals still in limbo and road blocked by the state + of old AGE, then receiving Appointment of Habeas Attorneys.

5) The state certainly cannot claim they haven't the resources to appoint Habeas teams as the state regularly BRAGS ABOUT the tens of Billions of dollars in BUDGET SURPLUSES AVAILABLE each fiscal year.

[CONT'D]

6) The STATE could solve this issue with a simple stroke of the "BUDGET PEN", yet for DECADES [they] have chosen to do nothing. Therefore, what more could the STATE OF CALIFORNIA DO to PREVENT FEDERAL REVIEW OF CAPITAL VERDICTS FOR LEGALITY? Petitioner contends the STATE IS DOING ALL THEY CAN AND THEN SOME!

* Petitioner FINDS himself in a strikingly similar position as these "ON-POINT" CASES:

A) "CARTER vs. Buesgen, 10 F.4th 715 (7th Circ-2021). "

B) "Lowe vs. Duckworth, 663 F.2d 42 (7th Circ-1981). "

C) "DOZIE vs. CADY, 430 F.2d 637 (7th Circ-1970). "

• In the "CARTER" decision (SUPRA) the U.S.C.C. - Seventh C.C.A. explained that: "The situation CARTER FINDS himself TRAPPED in is the precise type of scenario CONGRESS ENVISIONED [when] it provided for an exception to the exhaustion clause, exhaustion

{CONT'D}

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Requirement, viz., the STATE'S POST CONVICTION PROCESS HAS PROVEN ITSELF EFFECTIVELY UNAVAILABLE OR, at the very least, ineffective in protecting his Rights. Consequently, CARTER is excused from exhausting and may bring the CLAIMS Alleged in his STATE Motion directly to FEDERAL COURT. "

- The "Seventh" then further found:
"THE STATE'S POSITION is indefensible, A MISCARriage OF JUSTICE OCCURS when a CONVICTED PERSON MUST WAIT + FOUR YEARS + FOR Appellate review. "

NOTE: FOUR YEARS.. NOT DECADES, AS IS the CASE IN CALIFORNIA.

- Petitioner Ask this Esteemed Body, "What" MAKES CALIFORNIA Different From the Rest of the NATION?, IN that [they] CAN SO freely thumb their noses at FEDERAL LAW and Precedence, and the Rules that the Rest of the NATION MUST Adhere By?

[CONT'D]

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* REASONS FOR GRANTING WRIT:

- Petitioner suffered abuses that some career attorneys remarked "they have never seen the like of in their entire career of fifteen (to) 25 years as an attorney." These abuses were delivered by the combined hands of:

- a) U.S. Attorney's Ofc. - Central
- b) U.S.D.C. - Central Dist Calif.
- c) STATE (OF) CALIFORNIA

- The U.S.C.C. - Ninth C. CA.. IGNORED Petitioner's "cry for help" and turned a blind eye towards Petitioner's claims, even failing to enforce BINDING LAW upon the U.S.D.C. - Central..

- For the aforementioned reasons in this writ, Petitioner humbly and respectfully submits [this] "Writ of Certiorari" for review and consideration in this:
SUPREME COURT OF THE UNITED STATES
OF AMERICA

[CONT'D]

* CONCLUSION :

• The "UNREPRESENTED LOS ANGELES COUNTY CONDEMNED" PROJECT or U.L.A.C. for short, is a program hosted by the CALIFORNIA APPELLATE PROJECT and funded by a GRANT from the U.S. DEPARTMENT OF JUSTICE - BUREAU OF JUSTICE ASSISTANCE under the "UPHOLDING the LAW (and) Preventing Wrongful Convictions" GRANT PROGRAM.

• Petitioner's CASE, via the "U.L.A.C." program, has been identified (as) CONTAINING - NUMEROUS - RED FLAGS INDICATIVE OF WRONGFUL CONVICTION (and/or) INNOCENCE.

• In Addition to the Authorities already and previously cited herein, this COURT has Authority to exercise JURISDICTION over Petitioner's federal Habeas and Review Petitioner's entire Record "DE-NOVO".

"28 USC ? 1651 (ALL WRITS ACT)"
"28 USC ? 1254"
"28 USC ? 1257"

[CONT'S]

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- For the aforementioned reasons outlined and discussed supra, Petitioner Hopes and Prays that this Court ASSUMES JURISDICTION over Petitioner's entire CASE RECORD, and Review his Conviction for LEGACITY and COMPLIANCE with FEDERAL RIGHTS GUARANTEED by the UNITED STATES CONSTITUTION, and previous rulings by this Court.

- This Petition for WRIT of HABEAS CORPUS SHOULD BE GRANTED.

Most Humbly and Respectfully Submitted
THIS DAY:

01 JANUARY, 2023

DATE

BY

JAMES MICHAEL FAYED
(PRO-SE)

[END]

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• ADDITIONAL PROOF OF SERVICE •

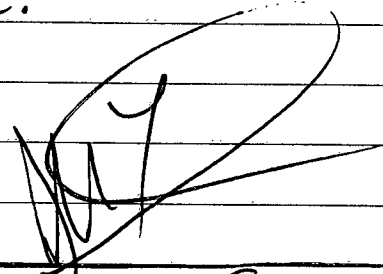
I, JAMES MICHAEL FAYED, A PRO-SE[']
petitioner in this MATTER DO
hereby declare:

1) The Aforementioned is true and
correct, to the best of my
knowledge, under the penalty
of perjury.

2) This petition - "WRIT OF CERTIORARI"
to Supreme Court of the United
States WAS, DEPOSITED WITH LEGAL
MAIL OFFICE AT CALIFORNIA STATE
PRISON, SAN QUENTIN CALIFORNIA,
ON/ABOUT THE DATE BELOW,
POSTPAID FIRST CLASS U.S. MAIL
TO WASHINGTON D.C.

01 JANUARY, 2023.

[DATE]

[BY] 
JAMES M. FAYED
• PRO-SE •