

24-6904  
No. \_\_\_\_\_

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SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

GANIYU AYINLA JAIYEOLA — PETITIONER

(Your Name)

VS.

GARMIN INTERNATIONAL, INC. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

GANIYU AYINLA JAIYEOLA

(Your Name)

10870 North Stelling Road, # 37D

(Address)

Cupertino, California 95014

(City, State, Zip Code)

(616) 635-4025

(Phone Number)

**QUESTION(S) PRESENTED**

For the disqualification of justice, judge, or magistrate judge, 28 U.S.C. § 455(b)(4) states in part as follows: "...(b) He shall also disqualify himself in the following circumstances: (4) He knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding..." 28 U.S.C. § 455(b)(4).

The questions presented are:

1. Whether the District Court in Kansas denied pro se Plaintiff due process when it declined to file Plaintiff's Rule 60(b)(6) motion requesting the Court to vacate all the orders issued by District Judge Holly L. Teeter because Judge Teeter violated 28 U.S.C. § 455(b)(4); by receiving a "gift" of Garmin stock, by owning Garmin stock, and by profiting from the Garmin stock while she was presiding over the *Jaiyeola v. Garmin International, Inc.*, No. 2:20-cv-2068 (D. Kan. 2020) lawsuit.
2. Whether the District Court in Kansas abused its discretion with prejudice when it declined to file Petitioner's Rule 60(b)(6) motion.

**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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## 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****[X] 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,  
[X] 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,  
[X] 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 \_\_\_\_\_ 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 \_\_\_\_\_ 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****[X] For cases from **federal courts**:**

The date on which the United States Court of Appeals decided my case was November 27, 2024.

[ ] No petition for rehearing was timely filed in my case.

[X] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: December 27, 2024, and a copy of the order denying rehearing appears at Appendix C.

[ ] 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 \_\_\_\_\_. A copy of that decision appears at Appendix \_\_\_\_\_.

[ ] 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).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

"The Fourteenth Amendment's Due Process Clause prohibits a state from depriving "any person of life, liberty, or property, without due process of law." U.S. Const. amend. XIV, § 1."<sup>1</sup>. "The Equal Protection Clause of the Fourteenth Amendment guarantees that "[n]o State shall . . . deny to any person within its jurisdiction the equal protection of the laws," U.S. Const. amend. XIV, § 1, and "keeps governmental decision makers from treating differently persons who are in all relevant respects alike." *Soskin v. Reinertson*, 353 F.3d 1242, 1247 (10th Cir. 2004)."<sup>2</sup>. "Furthermore, "the law is settled that as a general matter the First Amendment prohibits government officials from subjecting an individual to retaliatory actions...for speaking out." *Hartman v. Moore*, 547 U.S. 250, 256 (2006)."<sup>3</sup>.

## STATEMENT OF THE CASE

### **Introduction**

Jaiyeola is a pro se. "Pro se complaints, however inartfully pleaded, must be liberally construed, and are held to less stringent standards than formal pleadings drafted by lawyers...See *Martinez v. Garden*, 430 F.3d 1302, 1304 (10th Cir. 2005)..."<sup>4</sup>. "Pro se pleadings must be construed liberally." See *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972). For a pro se plaintiff, the Court is obligated to look at the substance of the

<sup>1</sup> *Smith, et al. v. Medina, et al.*, No. 23-1303, Doc. #38-1 (10th Cir. 2024).

<sup>2</sup> *Young v. Colo. Dep't of Corr., et al.*, No. 23-1063 (10th Cir. March 11, 2024).

<sup>3</sup> *Swanson v. Griffin, et al.*, No. 21-2034 (10th Cir. February 25, 2022).

<sup>4</sup> *Hall v. Witteman*, 569 F. Supp. 2d 1208 (D. Kan. 2008).

allegations and overlook formal failures. *See Estelle v. Gamble*, 429 U.S. 97, 106 (1976).

"[Pro se] pleadings must be construed so as to do justice." Fed. R. Civ. P. 8(e).

This is a failure-to-hire employment discrimination lawsuit<sup>5</sup> in which Garmin International, Inc. ("Garmin") failed to hire pro se Petitioner Ganiyu Ayinla Jaiyeola ("Jaiyeola") for the "Advanced Materials Engineer - Metals-19001CL"<sup>6</sup> position that he applied and interviewed for over the phone and on-site at Garmin's Headquarters/Manufacturing Center in Olathe, Kansas. Garmin violated Jaiyeola's rights under Title VII of the Civil Rights Act of 1964, as amended ("Title VII" – Race (African American), Color (Black), and National Origin (Nigerian)), 29 U.S.C. § 621, et seq. (Age Discrimination in Employment Act, as amended ("ADEA"), 42 U.S.C. §12112(b)(4) (Disability Association Discrimination - Title I of the Americans with Disabilities Act ("ADA")), The Kansas Age Discrimination in Employment Act<sup>7</sup> (Chapter 44, Art. 11, K.S.A., and specifically within the meaning of subsection (a)(1) of Section 44-1113 of said Act - "KADEA") and 42 U.S.C. § 1983 (Denial of Due Process – "Due Process"). Garmin is also liable for discrimination under Section 703(a) of Title VII because the fact that Jaiyeola was not hired by Garmin was based on the influence of a Garmin employee (Mr. Jeff Minelli - Garmin's Director of Mechanical Engineering) with a discriminatory motive; Subordinate Bias Liability ("cat's paw" theory of liability)<sup>8</sup>. Defendant's motion to dismiss the 42 U.S.C. § 1983 claim was granted by the District

<sup>5</sup> ECF No. 1, pp. 1-21. Plaintiff's Complaint.

<sup>6</sup> ECF No. 1-17, p. 2. Garmin's Human Resources Email Stating That Plaintiff Was Not Hired.

<sup>7</sup>[http://www.kslegislature.org/li/b2019\\_20/statute/044\\_000\\_0000\\_chapter/044\\_011\\_0000\\_article/044\\_011\\_0013\\_section/044\\_011\\_0013\\_k/](http://www.kslegislature.org/li/b2019_20/statute/044_000_0000_chapter/044_011_0000_article/044_011_0013_section/044_011_0013_k/)

<sup>8</sup> *Equal Employment Opportunity Commission v. BCI Coca-Cola Bottling Company of Los Angeles*, 450 F. 3d 476 (10th Cir. 2006).

Court.

### **The District Court Had a Filing Restriction On Petitioner**

The Kansas District court had in place a filing restriction on the Petitioner. "[T]he right of access to the courts is neither absolute nor unconditional and there is no constitutional right of access to the courts to prosecute an action that is frivolous or malicious." *Tripathi v. Beaman*, 878 F.2d 351, 353 (10th Cir. 1989)... "There is strong precedent establishing the inherent power of federal courts to regulate the activities of abusive litigants by imposing carefully tailored restrictions under the appropriate circumstances." *Cotner v. Hopkins*, 795 F.2d 900, 902 (10th Cir. 1986). "Even onerous conditions may be imposed upon a litigant as long as they are designed to assist the . . . court in curbing the particular abusive behavior involved," except that they "cannot be so burdensome . . . as to deny a litigant meaningful access to the courts." *Id.*... "Litigiousness alone will not support an injunction restricting filing activities..." [T]here must be some guidelines as to what [a party] must do to obtain the court's permission to file an action."... "In addition, [the party] is entitled to notice and an opportunity to oppose the court's order before it is instituted."... A hearing is not required; a written opportunity to respond is sufficient..."<sup>9</sup>.

Petitioner complied with the filing restriction imposed by the District court when Petitioner filed his Rule 60(b)(6) motion. Yet the District Court declined to file Petitioner's Rule 60(b)(6) motion.

<sup>9</sup> *Ombe v. Cook, et al.*, No. 2:20-cv-00786, Doc. #41 (D.N.M. 2020).

**Petitioner's Rule 60(b)(6) Motion**

"Under Rule 60(b)(6), the catchall avenue...one must demonstrate "any...reason justifying relief from the operation of the judgment" in situations that are not addressed by the specific circumstances delineated in Rule 60(b)(1)-(5). *Gonzalez v. Crosby*, 545 U.S. 524, 528-529, 125 S.Ct. 2641, 2646, 162 L.Ed.2d 480 (2005)."<sup>10</sup> "This [60(b)(6)] provision "confers upon the district court a broad equitable power to 'do justice.'" *Johnson v. Bell*, 605 F.3d 333, 336 (6th Cir. 2010). It "empowers district courts to revise judgments when necessary to ensure their integrity." *Ibid.* "[A] motion made under Rule 60(b)(6) is addressed to the trial court's discretion which is 'especially broad' given the underlying equitable principles involved." *Hopper v. Euclid Manor Nursing Home, Inc.*, 867 F.2d 291, 294 (6th Cir. 1989)."<sup>11</sup> "district courts may employ subsection [60](b)(6) as a means to achieve substantial justice"<sup>12</sup>.

District Judge Holly L. Teeter violated 28 U.S.C. § 455(b)(4). Petitioner filed a Rule 60(b)(6) motion (Appendix D) with the District Court requesting the Court to vacate all the orders and judgments issued by District Judge Holly L. Teeter. Judge Teeter presided over the *Jaiyeola v. Garmin International, Inc.* (Garmin lawsuit) from December 9, 2020 to June 22, 2022. Judge Teeter's public financial reports (<https://pub.jefs.uscourts.gov/#>) for 2021 and 2022 showed that Judge Teeter received a "gift" of Garmin stock, she owned Garmin stock, and she profited from Garmin stock when she presided over the Garmin lawsuit. *See Appendix E.*

<sup>10</sup> *Rameses v. Kernan*, CIV S-04-1173 (E.D. Cal. Oct. 8, 2010).

<sup>11</sup> *Abby v. Prelesnik*, Case No. 08-15333, 2 (E.D. Mich. Jan. 23, 2015).

<sup>12</sup> *Hopper*.

The District Court declined to file Petitioner's Rule 60(b)(6) motion. Petitioner appealed to the Tenth circuit. A Tenth circuit panel affirmed and the panel issued a notice to Petitioner of its intent to put in place filing restrictions on the Petitioner at the Tenth circuit. Petitioner filed a pleading opposing the Tenth circuit panel filing restriction notice and Petitioner filed for rehearing and rehearing en banc. Petitioner's rehearing and rehearing en banc was denied by the Tenth circuit. The Tenth circuit panel did not issue a decision on its notice to put in place filing restrictions on the Petitioner at the Tenth circuit.

#### **REASONS FOR GRANTING THE PETITION**

The guidelines for filing restrictions at the Tenth circuit clearly states as follows: "...“There is strong precedent establishing the inherent power of federal courts to regulate the activities of abusive litigants by imposing carefully tailored restrictions under the appropriate circumstances.” *Cotner v. Hopkins*, 795 F.2d 900, 902 (10th Cir. 1986). “Even onerous conditions may be imposed upon a litigant as long as they are designed to assist the . . . court in curbing the particular abusive behavior involved,” except that they “**cannot be so burdensome . . . as to deny a litigant meaningful access to the courts.**” *Id.*...“Litigiousness alone will not support an injunction restricting filing activities...” *Ombe v. Cook, et al.*, No. 2:20-cv-00786, Doc. #41 (D.N.M. 2020).

The District Court and the Tenth circuit panel did not follow the Tenth circuit guidelines that say a litigant must not be denied “meaningful access to the courts”.

The District Court denied the Petitioner "meaningful access" to the District court by declining to file Petitioner's Rule 60(b)(6) motion. Petitioner's Rule 60(b)(6) motion was not frivolous or malicious.

### **I. Petitioner Was Denied His Constitutional Rights To Due Process, Equal Protection, And First Amendment**

"While this court cannot absolutely foreclose an individual from initiating an action or pursuing an appeal in federal court, *Ortman v. Thomas*, 99 F.3d 807, 811 (6th Cir. 1996), the court may impose prefilng restrictions on an individual with a history of repetitive or vexatious litigation. *Feathers v. Chevron U.S.A., Inc.*, 141 F.3d 264, 269 (6th Cir. 1998); *Ortman*, 99 F.3d at 811. See also *Futernick v. Sumpter Tp.*, 207 F.3d 305, 314 (6th Cir. 2000) (finding that an order requiring a plaintiff to obtain the court's permission before filing any further motions was proper where the plaintiff was inundating the district court with repetitive motions and such an order did not violate the plaintiff's constitutional rights to due process and equal protection); *Filipas v. Lemons*, 835 F.2d 1145, 1146 (6th Cir. 1987) ("[I]t is clear that the plaintiffs are vexatious litigants who have filed many complaints concerning the same 1972 automobile accident. The district court entered an order requiring leave of court before the plaintiffs filed any further complaints. This requirement is the proper method for handling the complaints of prolific litigators, and the procedure does not violate the First Amendment."); *Chance v. Todd*, 74 Fed. Appx. 598, 600 (6th Cir. 2003) ("the district court properly exercised its authority to issue an injunction to prevent Chance, a prolific litigant who has filed at least four frivolous lawsuits, from filing further

actions without first obtaining leave of court.")."<sup>13</sup> Petitioner has not found any case law in any circuit where a filing restriction is applied as a filing exclusion that denies a litigant access to the court for a motion that is not frivolous or malicious.

Petitioner was denied constitutional and procedural due process at the District Court because Petitioner complied with the filing restrictions and yet Petitioner's Rule 60(b)(6) motion was not filed and returned to the Petitioner. Petitioner was denied constitutional equal protection because Petitioner was treated differently than other litigants at the District Court. Petitioner's First Amendment rights were violated by the District Court because Petitioner was denied a First Amendment right to file a motion at the court and Petitioner was punished by the court through denying Petitioner's Rule 60(b)(6) motion. The non-filing of Petitioner's Rule (60(b)(6) motion by the District Court in Kansas was a violation of Jaiyeola's "constitutional right to due process and equal protection"<sup>14</sup> and a violation of Jaiyeola's "first amendment"<sup>15</sup> rights. Petitioner's Rule (60(b)(6) motion was not declared frivolous or malicious by the District Court or the Tenth circuit panel.

## **II. Mandamus Is Appropriate**

The District Court abused its discretion with prejudice when it declined to file Petitioner's Rule 60(b)(6) motion. "it is apparent that when...a motion...is not even considered, much less not granted, an abuse of discretion has occurred."<sup>16</sup> "We have it on good authority that "a motion to [a court's] discretion is a motion, not to its

<sup>13</sup> *Meier v. Green*, 2:07-cv-11410 Doc # 60 (E.D. Mich 2009).

<sup>14</sup> *Futernick v. Sumpter Township*, 207 F.3d 305 (6th Cir. 2000).

<sup>15</sup> *Filipas v. Lemons*, 835 F.2d 1145 (6th Cir. 1987).

<sup>16</sup> *Marks v. Shell Oil Co.*, 830 F.2d 68 (6th Cir. 1987).

inclination, but to its judgment; and its judgment is to be guided by sound legal principles." *United States v. Burr*, 25 F. Cas. 30, 35 (No. 14,692d) (CC Va. 1807) (Marshall, C. J.). Discretion is not whim, and limiting discretion according to legal standards helps promote the basic principle of justice that like cases should be decided alike.<sup>17</sup> The District Court's action in declining to file Petitioner's Rule 60(b)(6) motion "constitute evidence that the decision was based on "whim" or that the district court usurped judicial power."<sup>18</sup> "the court, motivated by "caprice, prejudice, or passion," exercises its discretion "with manifest injustice".<sup>19</sup> Indeed, the District Court "evince a purposeful intent by the court to insulate its rulings from appellate review."<sup>20</sup> "the Supreme Court has authorized the issuance of a writ of mandamus to rectify either a judicial usurpation of power or a clear abuse of judicial discretion."<sup>21</sup>

The issuance of a writ of Mandamus is appropriate for this Petition. Petitioner's Rule (60(b)(6) motion was not declared frivolous or malicious by the District Court or the Tenth circuit panel.

<sup>17</sup> *Martin v. Franklin Capital Corp.*, 546 U.S. 132 (2005).

<sup>18</sup> *In re: Donald J. Trump*, No. 18-2486 (4th Cir. 2020).

<sup>19</sup> *In re: Donald J. Trump*.

<sup>20</sup> *In re: Donald J. Trump*.

<sup>21</sup> *In re: Donald J. Trump*.

**CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

GANIYU AYINLA JAIYEOLA

Date: March 25, 2025