

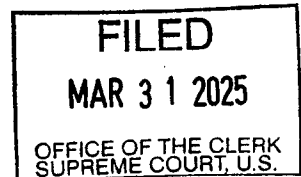
24-7176
NO.

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

MIRIAM L. POPE,

Petitioner,



vs.

CHETAN PATEL, formerly known as,
HITESH PATEL, and/or any known
or unknown aliases,

Respondent.

On Petition for a Writ of Certiorari to the
Supreme Court of Alabama

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED FOR REVIEW

1. Does a statutory rule of civil procedure, whether state or federal, allowing for a discovery period, wherein the defendant is denied same, violate the Constitution's due process clause?
2. Does due process apply to undocumented persons residing in this country with no legal status provided by INS?
3. Does an "undocumented person" residing in the United States of America have more due process rights under the Constitution, as the Plaintiff in a civil matter, when the Defendant is a United States of America "natural born" citizen whose lineage can be traced to the original settlers of the colony of Georgia?
4. Is there a treaty between the United States of America and India, allowing for its citizens to enter the United States of America without proper documentation? Or is there one currently in progress?
5. If a defendant is a resident of a state, and that particular state's constitution and the United States Constitution allow for a right of trial by jury in any civil matter, did the defendant waive her right of trial by jury by submitting to the jurisdiction of a state whose constitution does not provide for a trial by jury in divorce matters? Is subject matter jurisdiction then a matter for the federal courts to decide?
6. If the above questions are a "yes" by this court, then should Amendment VI of the United States Constitution be amended to read as follows: in civil cases and matters, the defendant, shall also enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the civil case was filed, **which district can be decided as deemed by the state court as proper for jurisdiction**, and to have the Assistance of Counsel for his or her defence?
7. If the Respondent proceeds to complete an application with INS to gain legal status in the United States of America, due to the issues with "name variations" with vital records between the State of Georgia and the State of Alabama, could the Petitioner be perceived as an accomplice to marriage

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

None that the petitioner is aware of at this time.

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STATUTORY PROVISIONS INVOLVED

8 U.S.C. § 1186(a)

IN GENERAL

(1) CONDITIONAL BASIS FOR STATUS

Notwithstanding any other provision of this chapter, an alien spouse (as defined in subsection (h)(1)) and an alien son or daughter (as defined in subsection (h)(2)) shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent residence, to have obtained such status on a conditional basis subject to the provisions of this section.

(2) NOTICE OF REQUIREMENTS

(A) At time of obtaining permanent residence

At the time an alien spouse or alien son or daughter obtains permanent resident status on a conditional basis under paragraph (1), the Secretary of Homeland Security shall provide for notice to such a spouse, son, or daughter respecting the provisions of this section and the requirements of subsection (c)(1) to have the conditional basis of such status removed.

(B) At time of required petition

In addition, the Secretary of Homeland Security shall attempt to provide notice to such a spouse, son, or daughter, at or about the beginning of the 90-day period described in subsection (d)(2)(A), of the requirements of subsections [1] (c)(1).

(C) Effect of failure to provide notice

The failure of the Secretary of Homeland Security to provide a notice under this paragraph shall not affect the enforcement of the provisions of this section with respect to such a spouse, son, or daughter.

8 U.S.C. § 1325(c)

Any individual who knowingly enters into a marriage for the purpose of evading any provision of the immigration laws shall be imprisoned for not more than 5 years, or fined not more than \$250,000, or both.

18 U.S.C. § 1546

(a) Whoever knowingly forges, counterfeits, alters, or falsely makes any immigrant or nonimmigrant visa, permit, border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States, or utters, uses, attempts to use, possesses, obtains, accepts, or receives any such visa, permit, border crossing card, alien registration receipt card, or other document prescribed by statute or regulation

for entry into or as evidence of authorized stay or employment in the United States, knowing it to be forged, counterfeited, altered, or falsely made, or to have been procured by means of any false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained; or

Whoever, except under direction of the Attorney General or the Commissioner of the Immigration and Naturalization Service, or other proper officer, knowingly possesses any blank permit, or engraves, sells, brings into the United States, or has in his control or possession any plate in the likeness of a plate designed for the printing of permits, or makes any print, photograph, or impression in the likeness of any immigrant or nonimmigrant visa, permit or other document required for entry into the United States, or has in his possession a distinctive paper which has been adopted by the Attorney General or the Commissioner of the Immigration and Naturalization Service for the printing of such visas, permits, or documents; or

Whoever, when applying for an immigrant or nonimmigrant visa, permit, or other document required for entry into the United States, or for admission to the United States personates another, or falsely appears in the name of a deceased individual, or evades or attempts to evade the immigration laws by appearing under an assumed or fictitious name without disclosing his true identity, or sells or otherwise disposes of, or offers to sell or otherwise dispose of, or utters, such visa, permit, or other document, to any person not authorized by law to receive such document; or

Whoever knowingly makes under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document which contains any such false statement or which fails to contain any reasonable basis in law or fact—

Shall be fined under this title or imprisoned not more than 25 years (if the offense was committed to facilitate an act of international terrorism (as defined in section 2331 of this title)), 20 years (if the offense was committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title)), 10 years (in the case of the first or second such offense, if the offense was not committed to facilitate such an act of international terrorism or a drug trafficking crime), or 15 years (in the case of any other offense), or both.

(b) Whoever uses—

- (1) an identification document, knowing (or having reason to know) that the document was not issued lawfully for the use of the possessor,
- (2) an identification document knowing (or having reason to know) that the document is false, or

(3) a false attestation, for the purpose of satisfying a requirement of section 274A(b) of the Immigration and Nationality Act, shall be fined under this title, imprisoned not more than 5 years, or both.

(c) This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a subdivision of a State, or of an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (18 U.S.C. note prec. 3481).[1] For purposes of this section, the term "State" means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

1 U.S. Code § 7

Marriage is defined as being valid in the state, in which, it was performed.

The Supreme Court has ruled that the validity of their marriage under state law is immaterial to the issue of whether they defrauded INS. See *Lutwak v. United States*, 344 U.S. 604 (1953). *Lutwak* was followed in *United States v. Yum*, 776 F.2d 490 (4th Cir. 1985); *Johl v. United States*, 370 F.2d 174 (9th Cir. 1966), and *Chin Bick Wah v. United States*, 245 F.2d 274 (9th Cir.), cert. denied, 355 U.S. 870 (1957). But see, *United States v. Lozano*, 511 F.2d 1 (7th Cir.), cert. denied, 423 U.S. 850 (1975); *United States v. Diogo*, 320 F.2d 898 (2d Cir. 1963). But cf, *United States v. Sarantos*, 455 F.2d 877 (2d Cir. 1972).

There have been situations where a bona fide marriage turns sour but the alien induces the U.S. citizen spouse to maintain the marriage as a ruse only as long as necessary for the alien to obtain status as a permanent resident alien. There is a line of cases holding that the viability of the marriage, if initially valid, is not a proper concern of the INS. *United States v. Qaisi*, 779 F.2d 346 (6th Cir. 1985); *Dabaghian v. Civilletti*, 607 F.2d 868 (9th Cir. 1979). and cases cited therein. However, the Immigration Marriage Fraud Amendments of 1986, 8 U.S.C. § 1186a, were designed, inter alia, to eliminate the Qaisi type loophole by establishing a two-year conditional status for alien spouses seeking permanent resident status, and requiring that an actual family unit still remain in existence at the end of the two year period.

§ 30-2-5 Ala. Code

When the defendant is a nonresident, the other party to the marriage must have been a bona fide resident of this state for six months next before the filing of the complaint, which must be alleged in the complaint and proved.

§ 32-6-1 Ala. Code

(a) Every person, except those specifically exempted by statutory enactment, shall procure a driver's license before driving a motor vehicle upon the highways of this state. Every new resident of the State of Alabama shall procure an Alabama driver's license within 30 days after establishing residence in this state. (b) Each original driver's license issued to a person born in a year ending in an odd number shall expire on the second anniversary of the licensee's birth date occurring in an odd-numbered calendar year after the date on which the application for the license was filed, and each original driver's license issued to a person born in a year ending with an even number shall expire on the second anniversary of the licensee's birth date occurring in an even-numbered calendar year after the date on which the application for the license was filed; provided, that if the license issued would expire in less than 24 months from the date on which the application for the license was filed, the expiration date of such license is hereby extended for an additional period of two years. After the expiration of an original driver's license, all subsequent renewals shall be for a period of four years from the specified expiration date of the immediately preceding license, regardless of when the renewal shall be issued. Every driver's license issued under this article may be renewed at the end of the license period without examination upon application and payment of the fee. For the purpose of renewal of a driver's license, the Alabama State Law Enforcement Agency shall mail renewal notices to each licensee 30 days after expiration date if the driver's license has not been renewed. A grace period of 60 days after expiration date of a driver's license shall exist for the purpose of driver's license renewal and the driver's license shall be valid for this time period. The applicant shall apply for a driver's license anytime during a period beginning 180 days before the expiration date of the then current license until three years after the expiration date of the license. Notwithstanding any other provision of law, an active duty member of the U.S. Armed Forces is not subject to the 180-day limit if he or she can show proof to the licensing official that he or she is unable to renew during the 180-day period due to deployment. Failure to make application for renewal within the specified time shall result in the applicant being required to take, and successfully pass, a written examination and driving test as administered by the Alabama State Law Enforcement Agency. If any person's birthday is February 29, the first day of March following shall be regarded as his or her birthday for the purposes of this section. (c) The Alabama State Law Enforcement Agency shall make available to any resident of this state who does not hold a valid Alabama driver's license a nondriver identification card to be used for identification purposes only. The nondriver identification card shall be issued only upon application of the nondriver and shall be similar to the driver's license; except, that it shall bear the word "nondriver" in prominent letters on the face of the identification card. Each nondriver identification card shall bear thereon a distinguishing number assigned to the nondriver and a color photograph of the nondriver, as well as the name, birth date, residence address, and a brief description of the nondriver who, for the purpose of identification, shall immediately upon receipt thereof, endorse his or her usual signature in ink upon the card in the space provided thereon, unless a facsimile of the nondriver signature appears thereon. The same degree of proof of identification

required of applicants for driver's licenses in this state shall be required of applicants for nondriver identification cards.

§ 1-3-1 Ala. Code

The common law of England, so far as it is not inconsistent with the Constitution, laws and institutions of this state, shall, together with such institutions and laws, be the rule of decisions, and shall continue in force, except as from time to time it may be altered or repealed by the Legislature.

§ 8-7A-18 Ala. Code

The commission may enter into a consent order at any time with a person to resolve a matter arising under this chapter or a rule adopted or order issued under this chapter. A consent order must be signed by the person to whom it is issued or by the person's authorized representative, and must indicate agreement with the terms contained in the order.

§ 30-2-4 et seq Code of Ala.

Provides marital name changes are to be addressed in the order.

fraud, as the Petitioner admitted in her pleadings that the parties were married on falsified documents?

8. Did the State of Alabama have subject matter jurisdiction over a divorce; wherein, the parties were married in the State of Georgia and resided in the State of Georgia throughout the course of this marriage. Therefore, does the Constitution of the State of Alabama take precedence over the United States Constitution; wherein, there are potential issues of federal concern? The respondent has no "legal" status to reside in the United States as an illegal alien; however, commenced a lawsuit in another state against a United States citizen who is a lifelong resident of another State. Can the justices please expound, as how this applies to the Petitioner and Respondent in this matter?
9. Are the states exempt or not required to place the Social Security Numbers of both parties, on marriage licenses and divorce decrees, as per the Welfare Reform Act of 1996?

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 _____ 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 _____ 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 Alabama Court of Civil Appeals court 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.

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 December 30, 2024.
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 ^{not} granted to and including _____ (date) on _____ (date) in Application No. XX.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL PROVISIONS INVOLVED

Under Article III, Section 2 of the United States Constitution provides:

"The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority:—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—**to Controversies between two or more States;—between a State and Citizens of another State,—between Citizens of different States,—**between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects." U.S. Const. art. III § II.

The Seventh Amendment to the United States Constitution provides, in relevant part:

"in suits at common law, where the controversy shall exceed twenty dollars, the right of trial by jury shall be preserved..." U.S. Const. amend VII.

Under the Sixth Amendment of the United States Constitution provides for assistance of counsel in criminal matters, wherein this is a civil matter, there are underlying issues, to cause Petitioner potential criminal prosecution:

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence." U.S. Const. amend. XI

The Fourteenth Amendment of the United States Constitution provides, in relevant part:

"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." U.S. Const. amend. XIV, § 1.

The Supremacy Clause of the Constitution provides:

The Constitution and the Laws of the United States of which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in in the Constitution of Laws of any State to the Contrary notwithstanding. U.S. Const. art. VI § VI, cl. 2.

Pursuant to the Immigration Marriage Fraud Amendments of 1986, in relevant part, the following changes were enacted:

"Increases criminal penalties for marriage fraud." "Bars any alien who has conspired or attempted to enter into a fraudulent marriage from entering the United States." "Prohibits an alien who became a permanent resident through marriage from petitioning for permanent resident status for a subsequent spouse unless such petitioning alien has been a permanent resident for five years or can show that the prior marriage was not entered into to evade the immigration laws." Immigration Marriage Fraud Amendments of 1986 H.R.3737

The Welfare Reform Act of 1996 made the following changes to the The Social Security Act of 1935:

"Effective upon enactment, this provision provides Social Security Bulletin Vol. 59, No. 3 Fall 1996 59 11 that State child support enforcement procedures would have to require that the SSN of any applicant for a professional license, commercial driver's license, occupational license, or marriage license be recorded on the application. The SSN of any person subject to a divorce decree, support order, paternity determination or acknowledgment would have to be placed in the pertinent records and recorded on death certificates." Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193), also referred to as, The Social Security Act of 1935, amended in the 1996 Welfare Reform Act, H.R. 3734.

STATEMENT OF THE CASE

On January 15, 2024, the Respondent, Chetan Patel, formerly known as, Hitesh Patel, and/or any known and/or unknown aliases (hereinafter referred to as "Respondent") filed a Complaint for Divorce against Miriam L. Pope (hereinafter referred to as "Petitioner") the Petitioner in the Circuit Court of Cleburne County, Alabama, by and through his counsel of record R. Joseph Laird, Jr. (hereinafter referred to as "Mr. Laird").

Prior to the filing of the complaint, Petitioner and Mr. Laird communicated in writing and engaged in settlement negotiations and were unable to reach a mutually satisfactory agreement regarding the dissolution of the marriage of the Petitioner and the Respondent. Petitioner had previously provided the Respondent with uncontested divorce papers, prepared pursuant to the laws of the State of Georgia.

On January 23, 2024, via certified mail, the Petitioner, received the Complaint for Divorce from Mr. Laird, prepared and served pursuant to the laws of the State of Alabama. In response, Petitioner, pro se, prepared an Answer to Complaint for Divorce and Counterclaim dated January 23, 2024 and resent same with *date variations* on January 29, 2024, with an accompanying letter, and same was filed on February 13, 2024.

Petitioner contacted the clerk of court to verify receipt of said Answer and was advised they had not received it and to send all future correspondence and pleadings via certified mail; therefore, due to time restraints and lack of computer access, she

re-used the first one. *Petitioner provides this information to briefly explain the date variations in the record of the court.* Accompanying the Answer to Complaint for Divorce and Counterclaim, Petitioner sent a letter, merely requesting that this document be properly filed in the records of their office and that this matter be placed on the next available civil calendar for a hearing. *The clerk of court had never heard of a Rule Nisi; therefore, Petitioner presumed that was only applicable in the State of Georgia for divorce proceedings.*

Petitioner, then, receives an Order filed February 13, 2024, from the assigned Judge by the Cleburne County Circuit Court placing the case on the calendar for a hearing on "the Motion to Dismiss as contained in the filing of the Defendant for lack of jurisdiction."

Petitioner's Answer to Complaint for Divorce and Counterclaim only addressed jurisdictional issues, validity of the marriage, name variations, and equitable property division. Petitioner was and still remains a lifelong resident of the State of Georgia and has never resided in the State of Alabama. **Nowhere in this Answer does Petitioner request a dismissal or use the word "dismiss", as referenced in the circuit court's Order.**

The Cleburne County Circuit Court's Order set the hearing for March 4, 2024 on the issue of jurisdiction. Petitioner, Respondent, and Mr. Laird are present for the hearing. Prior to the hearing, Petitioner and Mr. Laird discuss a settlement, based upon previous agreements proposed by Mr. Laird and Ms. Pope and come to a

"preliminary" mutual agreement of settlement, as nothing was expressed in writing. This is evidenced in the court reporter's transcript.

Following the hearing, and not in the court reporter's transcript, the Judge orders Mr. Laird to prepare the order per the agreement(s) and present same to Petitioner within ten (10) days from the date of the hearing. Petitioner receives an Order filed March 4, 2024 reflecting same via mail a few days later following the hearing.

Petitioner and Mr. Laird correspond following the hearing to address the division of property pursuant to the oral agreement and oral order of the court, as reflected in the transcript. In these communications, Petitioner is addressing certain issues with Mr. Laird, regarding his client who did not seem to understand the oral pronouncement of the court. Petitioner requests to Mr. Laird to go ahead and prepare a written order pursuant to the testimony and order of the court and forward a copy of same for her review. It was Petitioner's understanding, as this was a consent agreement of divorce, she would be signing the order prior to Mr. Laird's final submission to the circuit court Judge.

As of April 4, 2024, Petitioner was not in receipt of a proposed Final Judgment of Divorce order from Mr. Laird. In defense of Plaintiff's Answer to Defendant's Counterclaim filed March 2, 2024 and due to non-receipt of the written order in the time prescribed by the court, Petitioner prepares and mails a Motion to Vacate and Motion for Contempt dated April 4, 2024 to the clerk of the Cleburne County, Alabama Circuit Court. Said motion being filed on April 19, 2024. In this motion,

amongst the request to vacate, request to hold Mr. Laird and his client in contempt of the oral order of the court, also demands a trial by jury. Ms. Pope later became aware that the State of Alabama's Constitution does not provide for a jury trial for civil matters involving divorce, as does, the State of Georgia's Constitution and the United States Constitution.

A few days after mailing the aforementioned motion, the Petitioner receives a Judgment of Divorce dated and filed April 2, 2024 via U.S. mail. Upon review, Petitioner notices that it was substantially different from the proposed written settlement agreements, incorporated therein, as to the written agreements by testimony of Mr. Laird, and orally amended during the hearing on jurisdiction on March 4, 2024. Petitioner is utterly confused as to why she was not afforded the opportunity review and sign the Final Judgment of Divorce. Petitioner specifically stated in several communications that she did not want the Respondent to have any further access to her personal accounts and addressed the issues regarding the name variations. Petitioner once again e-mails Mr. Laird multiple times with no response. The Final Judgment of Divorce specifically required the Petitioner to allow the Respondent access to her personal accounts and contained no verbiage as to the name variations. [The cause of the case listed the Respondent as Hitesh Patel, a/k/a, Chetan Patel. Respondent never used the name Hitesh Patel throughout the course of the marriage. Petitioner's pleadings in the cause of the case reflected it accurately, Chetan Patel, f/k/a, Hitesh Patel.]

Petitioner then receives an Order denying her Motion to Vacate and Motion for Contempt filed on May 3, 2024, without the requested hearing. The Motion to Vacate was denied summarily. As to the Motion for Contempt, it also denied and Petitioner was instructed it was to be filed under separate cover and accompanied by the required filing fee. The request for a trial by jury was never mentioned in said Order.

Petitioner resigned to not file a separate action. For one, she lacked the monies for filing fees and, secondly, in her opinion, a secondary filing would lead one to presume, she was in agreement with the Final Judgment of Divorce and with the erroneous and renegade actions of a circuit court and the unscrupulous actions of Mr. Laird in the first proceeding.

Petitioner admits she may have erred as a bit as to verbiage of the motion but specifically indicated in this motion that she has not received the written order pursuant to the agreement of the parties and per the ten (10) day order of the court. In the same motion, Petitioner also moved that the Respondent perjured himself under oath and requested that he provide documentation of his actual name. Respondent testified that his name was HITESH PATEL; however, Petitioner's marriage license from the State of Georgia only lists the name of CHETAN PATEL.

All of the property accumulated during the marriage, and indebtedness thereon, was in the sole name of the Petitioner. There were no joint assets. Petitioner relinquished her majority interest in said property, in order, to get this marriage/union/contract dissolved, as expeditiously as possible.

Due to being denied her motion, regarding quite serious allegations, and, in said motion, requested a demand for jury trial, Ms. Pope saw little recourse other than to present this matter before a higher court. Therefore, on May 23, 2024, Petitioner filed her Notice of Appeal to the Alabama Court of Civil Appeals.

REASONS FOR GRANTING THE WRIT

The United States Constitution commences with, "We the People of the United States, in Order to form a more perfect Union, establish Justice..." and in this instance the Petitioner is a part of the "we the people" but the United States Constitution, has yet, to establish, unauthorized immigrants, as to the Respondent, as a part of "we the people."

Under longstanding and heretofore universal common-law principles, the Petitioner was denied the key elements of "equal treatment under the law" and "the right to life, liberty, and the pursuit of happiness" by a circuit court in the State of Alabama.

The Alabama Court of Civil Appeals affirmed the lower court's decision. Basically, setting forth that the issues brought before the court could not be decided at the appellate level, as the Petitioner did not address these issues at the circuit court level. However, Petitioner was denied the opportunity to proceed with the process of discovery, due to the wanton disregard of a circuit court's order and the circuit court summarily denial of a Motion to Vacate.

Furthermore, the Petitioner addressed all issues in her Answer and Counterclaim to Complaint for Divorce. The appellate court cites Andrews v Merritt Oil Co., 612 So. 2d 409 (Ala. 1992) as to why new evidence or issues cannot be raised for the first time on appeal. However, in that case, the defendant did not respond, in whole or in part, to a suit brought forth by the Plaintiff and a summary judgment was issued by the court. In this case, the Petitioner responded via Answer and

Counterclaim to Respondent's Complaint for Divorce; therefore, Petitioner deems the written record of the court as 'opening the door' to present certain issues on appeal as in substantive nature and not in presentation of new evidence. The issues were clearly recited in Petitioner's Answer and Counterclaim to Complaint for Divorce. Petitioner, specifically, set forth in the Brief of the Appellant, that the attached documents were not to be perceived as new evidence only to support the claims set forth in her Answer and Counterclaim. The issues, at hand, may have not been raised orally; however, were specifically set forth in writing.

If the State of Alabama, does not provide for a jury trial, in divorce proceedings, the only other opportunity, the Petitioner had to present the documentation was during the discovery period, which the circuit court summarily denied Petitioner's Motion to Vacate. Petitioner could not file a Motion for Relief at that time, as she was not in receipt of the Final Judgment of Divorce, in the time prescribed by the circuit court's order.

The appellate court cited the case of Martin v. Martin, 623 SO. 2d 1167, 1170 (Ala. Civ. App. 1993) as to why the substantive evidence could not be considered and de hors the record. The case of Martin v. Martin, as to why the court cannot consider "new evidence" on appeal. In this matter, the husband was trying to present a videotape on appeal that was found or discovered after the hearing and the case was concluded. The substantive evidence presented by the Petitioner on appeal, was mentioned and/or reference made thereto in her Answer and Counterclaim to Complaint for Divorce.

As the petitioner views her case, the record of the circuit court clearly shows that the Final Judgment of Divorce due per the court order within ten (10) days of the date of the date of the hearing was signed and recorded April 2, 2024. Though not explicitly recited, it can be reasonable determined that March 14, 2024 and April 2, 2024 are in no shape or form close to ten (10) days following the March 4, 2024 hearing date. Therefore, the record of the circuit court, clearly shows that the respondent and his attorney of record were in willful contempt of the court's order to have the Final Judgment of Divorce prepared and presented within the prescribed time frame.

However, petitioner is denied a motion to vacate because it did not contain the "prescribed wording" as the appellate court deemed appropriate. Furthermore, the circuit can prepare its own Motion to Dismiss based on the Answer and Counterclaim of the Petitioner, but did not address any of the other concerns of the Petitioner. If the circuit court was unable to address issues involving matters, of federal jurisdiction, the circuit court should have informed the Petitioner of same instead of proceeding forthwith as to subject matter jurisdiction. A provisional order could have been entered as to dissolution of the marriage, personal jurisdiction, and equitable division of property, in which, the circuit court was well within its realm of jurisdiction to proceed forthwith; however, the remaining matters, should have been presented to a federal court of appropriate jurisdiction for further resolution.

Petitioner was not arguing equitable division of property, only the issue of name variations between the State of Georgia and the State of Alabama. The petitioner now holds a marriage license recorded in the vital records of the State of

Georgia delineating she married a one "CHETAN PATEL" and a ?? decree of divorce recorded in the vital records of the State of Alabama delineating she divorced a one "HITESH PATEL."

If the respondent, by and through his attorney of record, and a "renegade circuit court" can manipulate our system of justice to provide, in furtherance, "muddying the waters" as to unauthorized immigrants attempts to gain legal status in the United States of America; the petitioner deems this an issue of national security. The current administration is constructing a "wall" along the border of the United States and Mexico. This "wall" is of no consequence to preclude unauthorized immigrants to enter the United States of America, if the United States of America is unable to handle the internal matters concerning immigration. Furthermore, the current administration is implementing a form of "mass deportation" which will also be ineffective if unauthorized immigrants can continuously manipulate the judicial system implemented by "we the people." Petitioner deems "we the people," in this instance to mean the legal citizens of the United States of America. Respondent admitted to the petitioner that he entered this country "illegally" by flying from India to Guatemala and then traversing his way north to cross the border between the United States and Mexico.

Furthermore, the appellate court ruled that oral agreements were legal binding to both parties; therefore, due to non-receipt of the Final Judgment of Divorce in the court ordered ten (10) day time frame, left the Petitioner no other recourse but to file a motion to hold the respondent and his attorney of record, in contempt of the

court's oral order. In Porter v. Porter, 441. So. 2d 921 923 (Ala. Civ App. 1983), the parties were awarded an opportunity to make extensive oral arguments. In the Porter case, both parties were residents of the State of Alabama and represented by counsel and extensive arguments were made concerning the binding agreement previously stated in court. In the petitioner's case, she was not even awarded an opportunity for a hearing, as her Motion to Vacate was summarily denied and the Motion for Contempt was to be filed as a separate point with the appropriate filing fees. Whether a Motion to Vacate or Motion to Set Aside, both, in general preclude the meaning there is an issue by which the Petitioner requests further clarification. Petitioner never had newly discovered evidence. The evidence was in possession of the Petitioner from the on start of this case. Furthermore, this case sets forth that the agreement or contract on established legal principles. The appellate court further ruled that Ala. Code 1975 § 8-7A-18, as part of the Alabama Monetary Transmission Act was not applicable in this case due to the statutory provision does not apply to divorce cases. However, in the Porter case, the court upheld the lower court's ruling stating that no statute or legal principle in regards to binding consent agreements or contracts was brought forth by counsel. It did not state the statute or legal principle had to be relevant to binding consent agreements in divorce proceedings.

Petitioner deems that the appellate court is throwing out "legal fluff" to uphold the lower court's ruling. Petitioner sees this as a conflict in legal principles to deny her appeal and uphold the very clearly erroneous and blatant due process violations by the circuit court.

Petitioner never addressed in her Brief of Appellant to be given "special consideration" or "special treatment" as to the Alabama Rules of Civil Procedure or as an out of state pro se defendant; however, the appellate court cited three cases as to pro se matters. Holden v. Holden, 387 So. 3d 1163, 1167-68 (Ala. Civ. App. 2023); 441 So. 2d 921, 924 (Ala. Civ. App. 1983); L.E.W. v. M.J.L., 200 So. 3d 1171, 1174 (Ala. Civ. App. 2015); Adam v. Devereaux, 686 So. 2d 1222, 1224 (Ala. Civ. App. 1996). Petitioner is "clueless" as to why the appellate court used these cases to uphold the lower court's ruling. Petitioner was not arguing that an agreement whether written or oral is binding in any court of law. Petitioner was well aware that by submitting to the jurisdiction of the State of Alabama that the Alabama Rules of Civil Procedure would have to be followed. The only issue, unknown to the petitioner, was that the State of Alabama's constitution did not allow for jury trials in matters of divorce. Petitioner has worked in the legal field, as a certified paralegal, in the State of Georgia, for over twenty-five (25) years, and is a lifelong resident of the State of Georgia. Wherein, petitioner deemed it **more** the responsibility of the State of Alabama's judicial system to make this point regarding jury trials, petitioner is well aware that she should have conducted more legal research before submitting to the jurisdiction of the State of Alabama. However, petitioner never deemed a quite simple divorce matter would ever require a trial by jury, much less, be brought before the highest court in the land. Petitioner cannot recall, one instance, of a divorce proceeding reaching the jury trial stage in the State of Georgia.

If the appellate court's ruling is allowed to stand, each pro se defendant following the petitioner, will be at the mercy of the State of Alabama's discretionary tactics to absolve or dissolve marriages, or any other civil matter, without equal treatment under the laws of this land and the laws of each respective state. Once again, hold pro se litigants to a standard, that even after twenty-five years of legal experience, the petitioner is facing certain difficulties navigating the federal legal system.

When has a court ever held or had a case, where the state circuit court, appellate court, and the supreme court, held a pro se litigant to a higher standard than a licensed, in "good standing" with the state bar of the respective state in which he or she practices? Petitioner had no previous legal experience with civil matters in the State of Alabama, nor do many attorneys, even hold licenses in multiple states to practice law. Therefore, the appellate court, is now ruling that a pro se out of state defendant now be held not to the same standard but to a "higher standard" than an Alabama licensed attorney in "good standing" with the State Bar of Alabama?

Petitioner was addressing certain rules in the Alabama Rules of Civil Procedure in regards to time and the computation of same, as to Mr. Laird, and not to the Petitioner. Therefore, Petitioner was blatantly denied her rights to procedural due process as provided in Amendment XIV of the United States Constitution." U.S. Const. amend. XIV, § 1.

The petitioner placed the issue of denial of due process in this matter to the "Mathew's test" pursuant to Mathews v. Eldridge 424 U. S. 319, 339-49 (1976) and

the appellate court's response is contained in the unpublished memorandum attached herewith. If this unpublished memorandum is the result, it can be clearly determined that this test is severely flawed. The unpublished memorandum even commences incorrectly. The Final Judgment of Divorce did not dissolve the marriage from the petitioner from Chetan Patel, formerly known as, Hitesh Patel. The Final Judgment of Divorce dissolved the marriage of petitioner, from Hitesh Patel, a/k/a, Chetan Patel. It is quite apparent that the appellate court did not effectively understand the premise, by which, the petitioner appealed the case from the circuit court.

Petitioner was denied her seventh amendment right to a jury trial. Not to mention under Article III. Section 2 of the United States Constitution regarding controversies between the states and between "citizens" of different states. Therefore, placing this case in the highest court in the land, being the United States Supreme Court to determine the validity of this anomaly of a case being brought before it. The circuit court should have been well aware that it is unable to address matters of immigration. U.S. Const. art. III § II.; U.S. Const. amend VII.

The Beason-Hammon Act, regarding immigration, passed by the State of Alabama has been reduced to, a basic E-Verify system, that the employer has to follow to ensure the employee has legal status prior to employment, and the remaining provisions were "gutted" from the act itself.

Petitioner was ineligible for indigent assistance in the State of Alabama, as those programs require the "indigent person" to be a resident of its state; therefore, petitioner had little choice but to defend herself in this matter, pro se. The costs of

hiring an attorney, well out weighed, the marital property accumulated throughout the course of this marriage. As this court can see on the Motion to Proceed in Forma Pauperis, the petitioner has been unemployed since the parties began the commencement of the divorce proceedings and is a person of little means.

Therefore, petitioner requests that this court review expansion of the Sixth Amendment to the United States Constitution to include, at a minimum legal defense counsel for out of state indigent defendants in civil matters. Especially, when the issues within the civil matter, if not properly resolved by the courts could lead to criminal prosecution. As in the petitioner's case, she could be deemed as entering this marriage for the purposes of marriage fraud, as she clearly stated in her Answer and Counterclaim, that she "knowingly" entered into this marriage on falsified documents presented by the respondent; therefore, waiving her Fifth amendment right under the United States Constitution too self-incrimination should the respondent proceed forthwith to INS, with the State of Alabama divorce decree, to gain legal status in this country. U.S. Const. amend. XI

Petitioner defers the right to a jury trial to the United States Supreme Court as to determination of a "controversy between the states." The Social Security Act of 1935, amended in the 1996 Welfare Reform Act, H.R. 3734, under the Clinton administration, a marriage license and decree of divorce are to list on the documents the Social Security Number of both parties.

CONCLUSION

Petitioner provided the respondent with uncontested divorce papers pursuant to the laws of the State of Georgia; wherein, the parties were married and resided throughout the course of the divorce. The parties discussed the dissolution of the marriage and the divorce papers were prepared by the Petitioner, many months prior to being served with a Complaint for Divorce from the State of Alabama via certified mail.

Said uncontested divorce papers were very similar to the ones the Respondent hired an attorney from the State of Alabama to prepare, excepting Petitioner was adamant about the name of the Respondent being consistent with the name under which the Respondent married the Petitioner in the State of Georgia. Petitioner did not want it to be perceived, in any manner, that the marriage was for the purposes of immigration fraud. Respondent obtained no legal status in the United States of America while married to the Petitioner.

Furthermore, the Petitioner deemed the entire matter a waste of the court's time. Petitioner and Respondent had accumulated no joint assets during the course of the marriage. All assets, and debt accumulated thereunder, were in the sole name of the Petitioner, excepting a 2023 Honda Civic LX; wherein, the Petitioner's daughter was a co-signor.

Petitioner relinquished all assets to the Respondent, excepting the aforementioned automobile. Respondent was ordered to pay the Petitioner's car

payment on the aforementioned automobile and \$500.00 per month, as alimony, until the Petitioner obtained employment. Respondent willfully and steadfastly refused to make said car payments, unless the Petitioner provided Respondent with direct access to her account. Petitioner could not provide the Respondent with access due to Petitioner's daughter's personal information being included on this account. Pursuant to

Respondent's refusal to make the court ordered monthly payments led to Petitioner and her daughter's credit being demised. Petitioner eventually worked out an agreement with the lender, and Petitioner's son purchased said vehicle and now is the legal owner of said automobile.

Petitioner finally "gave up" to just rid herself of the Respondent and the traumas endured during and after the dissolution of the marriage. Pursuant to a denial of a Motion of Vacate and Motion for Contempt, the Circuit Court of Cleburne County, Alabama, made it clear further action against the Respondent would be essentially "fruitless." The Petitioner's main concern of the name variations seemed to be inconsequential to anyone but the Petitioner. Petitioner was well aware that the Respondent was using the court and judicial system to "muddy the waters" as to his true and real identity. During the course of the marriage, Respondent expressed to the Petitioner that per an immigration attorney, he would have to return to the name of Hitesh Patel and even requested to the petitioner to divorce him under the name of Chetan Patel and remarry him under the name of Hitesh Patel, to which the petitioner flat refused. This request was made due to the respondent being

incarcerated and fingerprinted in Jasper County, Georgia prior to the marriage under the name of Hitesh Patel. Respondent was advised by said attorney, and Petitioner was present for same, that he would be fingerprinted by the United States INS, prior to be granted any legal status to reside in this country. Petitioner decided, at that point, that it would be in her best interest to not be a party to same.


As to the real estate owned by Petitioner, and listed on the Motion to Proceed in Forma Pauperis, said property was conveyed to Petitioner, by and through, a Right of Survivorship (Reserving a Life Estate Interest) deed, previously owned by her now deceased parents. Said deed being prepared and recorded, well before, the parties met and entered into this contract of a marriage.

The argument is one that has never been presented before this court. Petitioner deems this case to have certain "criminal undertones" and a potential underlying controversy between two states. There are also issues of procedural due process, denial of a jury trial.

Petitioner will gladly present her State of Georgia issued driver's license, State of Georgia birth certificate, State of Georgia property deed, United States issued passport, United States issued Social Security Card, the marriage certificate, and the criminal disposition of a Hitesh Patel to a United States Marshal or deputy United States Marshal on the court steps of this Honorable Supreme Court House in Washington, DC.

For the above-stated reasons, due to the nonexistence of precedential case law, and the Trump Administration's mass deportation agenda, the petition for a writ of certiorari should be granted.

Respectfully submitted this the 31st day of March, 2025.


_____(SEAL)
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