

24-7048

No. _____

ORIGINAL

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SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

GANIYU AYINLA JAIYEOLA — PETITIONER
(Your Name)

vs.

TOYOTA MOTOR NORTH AMERICA, INC., et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE SIXTH 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

The question presented:

1. Whether the U.S. District Court in Grand Rapids, Michigan, abused its discretion with prejudice and denied pro se Petitioner constitutional rights to due process, equal protection, and first amendment rights when it ordered that all of Petitioner's motions in the *Jaiyeola v. Toyota Motor N. Am., Inc., et al.*, 1:17-cv-00562 (W.D. Mich. 2016) lawsuit must be rejected and returned to the Petitioner.

LIST OF PARTIES

☒ All parties appear in the caption of the case on the cover page.

☐ All parties **do not** appear in the caption of the case on the cover page.

A list of all parties to the proceeding in the court whose judgment is
the subject of this petition is as follows:

RELATED CASES

There are no related cases.

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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

☒ 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☐ is unpublished.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 E 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☒ is unpublished.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☐ is unpublished.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 _____ 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 January 6, 2025 .

☐ 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 _____.
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."¹ "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)."² "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)."³

STATEMENT OF THE CASE

Introduction

Petitioner Jaiyeola is a pro se. "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 allegations and overlook formal failures. *See Estelle v. Gamble*, 429 U.S. 97, 106 (1976). "...district courts must afford pleadings filed by pro se additional leniency, given their unfamiliarity with pleading and procedural requirements. *See Neitzke v. Williams*, 490 U.S. 319, 330 (1989) (noting "indigent

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

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

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

plaintiffs so often proceed pro se and therefore may be less capable of formulating legally competent initial pleadings")..."⁴. "[Pro se] pleadings must be construed so as to do justice." Fed. R. Civ. P. 8(e).

This petition arose out of a motor vehicle product liability lawsuit (*Jaiyeola v. Toyota Motor N. Am., Inc., et al.*, 1:17-cv-00562 (W.D. Mich. 2016) – "Toyota lawsuit") in which Jaiyeola asserted claims for injuries and other damages against Toyota Motor Corporation and Aisan Industry Co., Ltd. (both indicated as "Toyota"). The Toyota lawsuit was because of Jaiyeola's 1996 Toyota Camry LE ("Camry") sudden unintended acceleration ("SUA") car accident that occurred on November 25, 2013. Jaiyeola is a disable because of the SUA car accident. Jaiyeola has three (3) children (17, 14, and 11 years). The facts on Jaiyeola's Camry, the Camry accident of November 25, 2013, Jaiyeola's injuries including Brain (Subdural Hematoma Brain Surgery), Spinal Cord (Cervical Stenosis with Myelopathy), Fractured Left Eye Socket, pending spinal cord surgery, and health prognosis are documented in the Toyota lawsuit.

The District Court Had a Filing Restriction On Petitioner

The District Court dismissed the Toyota lawsuit on August 15, 2019 (Appendix I). On December 16, 2020, Petitioner was placed on Restricted Filer Status. (Appendix H). On December 10, 2021, the Court ordered that all filings by the Petitioner in the Toyota lawsuit must be rejected and returned to the Petitioner. (Appendix G).

"[T]he right of access to the courts is neither absolute nor unconditional and there

⁴ *Tolliver v. Noble et al.*, No. 17-3367 (6th Cir. 2018).

is no constitutional right of access to the courts to prosecute an action that is frivolous or malicious." *Tripati 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..."⁵.

After the District Court order rejecting ALL motions filed by the Petitioner, ALL of Petitioner's motions were rejected by the Magistrate Judge; instead of by the Clerk, as ordered by the District Judge. (Appendix E, Appendix F). Petitioner appealed the Magistrate Judge rejection order to the Sixth Court. The Sixth Circuit issued an order stating it had no jurisdiction because the rejection order was issued by a Magistrate Judge. (Appendix C). Petitioner's appeal for rehearing en banc was denied. (Appendix B). Petitioner then appealed to the Sixth Circuit for permission to file an appeal. The Sixth Circuit Clerk granted Petitioner Permission to Appeal (pursuant to Fed. R. App.

⁵ *Ombe*.

P. 5) through a writ of Mandamus (Appendix D). Petitioner's appeal through a writ of Mandamus was denied by the Sixth Circuit panel.

REASONS FOR GRANTING THE PETITION

"... "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 denied the Petitioner "meaningful access" to the District court by rejecting ALL of Petitioner's motions.

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 prefiling 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.").⁶ 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 Court's filing restrictions and yet all of Petitioner's motions were rejected 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

⁶ *Meier v. Green*, 2:07-cv-11410 Doc # 60 (E.D. Mich 2009).

Petitioner's motions. The rejection and non-filing of Petitioner's motions by the District Court were a violation of Jaiyeola's "constitutional right to due process and equal protection"⁷ and a violation of Jaiyeola's "first amendment"⁸ rights.

II. Mandamus Is Appropriate

The District Court abused its discretion with prejudice when it ordered that ALL of Petitioner's motions must be rejected and returned to the Petitioner. "it is apparent that when...a motion...is not even considered, much less not granted, an abuse of discretion has occurred."⁹ "We have it on good authority that "a motion to [a court's] discretion is a motion, not to its 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."¹⁰ The District Court's action in rejecting all of Petitioner's motions "constitute evidence that the decision was based on "whim" or that the district court usurped judicial power."¹¹ "the court, motivated by "caprice, prejudice, or passion," exercises its discretion "with manifest injustice".¹² Indeed, the District Court "evinces a purposeful intent by the court to insulate its rulings from appellate review."¹³ "the Supreme Court has authorized the issuance of a writ of

⁷ *Futernick*.

⁸ *Filipas*.

⁹ *Marks v. Shell Oil Co.*, 830 F.2d 68 (6th Cir. 1987).

¹⁰ *Martin v. Franklin Capital Corp.*, 546 U.S. 132 (2005).

¹¹ *In re: Donald J. Trump*, No. 18-2486 (4th Cir. 2020).

¹² *In re: Donald J. Trump*.

¹³ *In re: Donald J. Trump*.

mandamus to rectify either a judicial usurpation of power or a clear abuse of judicial discretion."¹⁴.

The issuance of a writ of Mandamus is appropriate for this Petition. Petitioner's motions that are not restricted should be filed and considered by the U.S. District Court in Grand Rapids. In this lawsuit or even any lawsuit, Petitioner must not be denied access to the District Court

¹⁴ *In re: Donald J. Trump.*

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

GANIYU AYINLA JAIYEOLA

Date: April 5, 2025