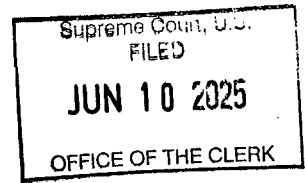


25-5120

No. _____

ORIGINAL



IN THE

SUPREME COURT OF THE UNITED STATES

MUZAMMIL ALI

— PETITIONER

(Your Name)

vs.

UNITED STATES OF AMERICA

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals For the Eighth Circuit

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

PETITION FOR WRIT OF CERTIORARI

Muzzamil Ali

(Your Name)

FCI Bennettsville P.O. Box 52020

(Address)

Bennettsville, SC 29512

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

- 1) Was The Eighth Circuit Court of Appeals in error when it denied the Petitioner a Certificate of Appealability?

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

BUCK v. DAVIS, 137 S.Ct. 759 (2017)

SLACK v. McDANIEL, 529 U.S. 473, 484, 120 S.Ct. 1595 (2000)

MILLER-EL v. COCKRELL, 537 U.S. 322, 123 S.Ct. 1029, 1039 (2003)

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OTHER

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 _____ 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☐ is unpublished.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 A 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☒ is unpublished.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☐ is unpublished.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☐ is unpublished.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 Jan. 22, 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: March 21, 2025, and a copy of the order denying rehearing appears at Appendix B.

☐ 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

Sixth Amendment Right to Effective counsel

W.D.C. Eighth Amendment Right to Equal protection under the law

Fifth & Fourteenth Right to Due Process of the law

28 U.S.C. §2253(c)(1),(2),(3)

Fed. R. App. P. 22(b)

STATEMENT OF THE CASE

In 2020 a Grand Jury in the Southern District of Iowa returned a second superseding indictment charging Ali with conspiring to distribute tetrahydro cannabinol in violation of 21 U.S.C. §§841(a)(1), (b)(1)(c) and 846. A jury found Ali guilty of the charges. The Court sentenced Ali to 235 months of imprisonment. Ali filed an appeal and the Eighth Circuit subsequently affirmed his conviction and sentence. Ali then filed a motion to Vacate, Set aside, or Correct his sentence under 28 U.S.C. §2255. The district court denied his §2255 motion and issuance of a Certificate of Appealability. Ali subsequently filed a motion for issuance of a certificate of appealability. from the Eighth Circuit Court of Appeals under 28 U.S.C. §2253(c)(2). The motion was denied.

REASONS FOR GRANTING THE PETITION

This Court held that the C.O.A. statute sets forth a two-step process: an initial determination of whether a claim is reasonably debatable, and then if it is, an appeal in the normal course. BUCK v. DAVIS, 137 S.Ct. 759 (2017). This court also held that in order to make a substantial showing, a petitioner must demonstrate that a "reasonable jurist would find the district court's assessment of the constitutional claim debatable or wrong." SLACK v. MCDANIEL, 529 U.S. 473, 120 S.Ct. 1595 (2000). Further, this court has held also that "the question is the debatability of the underlying constitutional claim, not the resolution of that debate." MILLER-EL v. COCKRELL, 537 U.S. 322, 123 S.Ct. 1029, 1039 (2003).

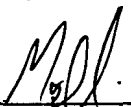
Mr. Ali contends that his constitutional right to effective counsel was violated as well as his constitutional rights to equal protection under the law, and Due Process as well. He further contends that a jurist of reason would find it debatable whether the previously filed §2255 motion states a valid claim of the denial of a constitutional right. DANSBY v. HOBBS, 766 F.3d 809, 840 (8th Cir. 2014); WINFIELD v. ROPER, 460 F.3d 1026, 1040 (8th Cir. 2006). Mr. Ali avers that during his trial proceedings the district court allowed the seating of a biased juror, the introduction of inadmissible evidence, and improperly obtained evidence by the Government. He contends that his counsel failed to challenge any of these violations. However, the Circuit Court denied him a certificate of appealability as did the district court also. Ali contends this was in error.

Ali further contends that this case has national importance because if certiorari is granted and this court rules in favor of Ali, it will set a precedent for an example of what qualifies as a biased juror which is of extreme importance in consideration of the essential presence of a fair and unbiased jury in a trial under the democratic process. Further, a decision in favor of Ali by this court will also set a precedent for addressing the prosecution's methods of obtaining evidence to be used in a trial. Lastly, it will set a bar that prevents the lower courts from "rubber stamping" C.O.A. denial without giving the necessary and proper consideration to the claims and the constitutional implications. In short, a ruling in Ali's favor will contribute to the upholding of the U.S. Constitution and the protection of a fair and unbiased judicial process.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Muzammil Ali 

Date: 6/10/25