

25-5399  
No. \_\_\_\_\_

FILED

MAY 22 2025

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Neda Mehrabani — PETITIONER  
(Your Name)

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Ninth Circuit Case No. 24-6468  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Neda Mehrabani #09779122  
(Your Name)

Victorville Camp FCI Med, I, PO Box 5300  
(Address)

Adelanto, CA 92301  
(City, State, Zip Code)

n/a  
(Phone Number)

### QUESTION(S) PRESENTED

- (1) Whether a Certificate of Appealability ("COA") should have been issued because I was denied a constitutional right to effective assistance of counsel when trial counsel withheld from me that there was only 1 alleged victim out of hundreds in discovery that claimed I did not provide all of the services that I billed Medicare for (denied and lied to about discovery which to date I have not received).
- (2) Whether Counsel provided ineffective assistance of counsel when he promised me probation or community service if I pled guilty and if I went to trial I would go to jail, which was a lie as I pled guilty and went to jail for 30 months and sentenced to a restitution of \$2.5 million, which I had to payback for all services performed, not just one, for Medicare services I provided for over 3 years (100% payback).
- (3) But for items 1 and 2, I should be granted a certificate of appealability as I would have chosen to go to trial as I was denied a constitutional right (5<sup>th</sup> Amendment and 6<sup>th</sup> Amendment) to effective counsel.
- (4) Since December 2023 I still have not received my discovery and cannot access it as it is sealed by the United States District Court for the Central District of California Case No. \_\_\_\_\_, which is a violation of my constitutional rights, Fifth Amendment.

### 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

United States (Respondent) v. Neda Mehrabani (Petitioner)  
Ninth Circuit Case No. 24-6468  
District Court Criminal Case No.: 2:23-CR-0294-JFW  
Companion Civil Case No.: 2:23-CV-10826-JFW  
Second Companion Civil Case No.: 2:23-CV-04285-JFW

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Dkt. Entry 22.1 - 24-6468

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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 \_\_\_\_\_ 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 May 9, 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

Fed. R. App. P. 22

Fed R. App. P. 4

Federal Sentencing Guidelines § 5C1.1

U.S. Const. Amend. 5

U.S. Const. Amend. 6

## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Strickland v. Washington, 466 U.S. 668 (1984)	4
United States v. Wade, 388 U.S. 218 (1967)	4
Iaen v. Sunn, 800 F. 2d 861 (9th Cir. 1986)	5
Brady v. United States, 397 U.S. 742 (1970)	5

## STATUTES AND RULES

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## OTHER



## STATEMENT OF THE CASE

A Certificate of Appealability ("COA") should be issued because I was denied my constitutional right to effective assistance of counsel when trial counsel lied to me that I had no favorable discovery when there was only one Medicare client out of thousands that claimed I did not provide the services in totality, overbilling for services. Put it another way I never seen any of my discovery before being advised by my attorney that I had to take a plea, and advising me I would have a sentence of probation or community service if I plead guilty and jail time if I went to trial. The Sixth Amendment guarantees criminal defendants the right to effective counsel at all critical stages of a prosecution. Strickland v. Washington, 466 US 668, 686-687 (1984); United States v. Wade, 388 US 218, 226 (1967). To succeed on a claim of ineffective assistance, a defendant must show "...that counsel's representation fell below an objective standard of reasonableness." Strickland, *supra*, 466 US at 688.

I filed a motion under 28 U.S.C. § 2255 alleging that my counsel was ineffective for coercing my guilty plea by repeatedly misrepresenting I had no discovery and that I would receive a sentence of probation or community service if I pleaded guilty, threatened me with jail time and being remanded in front of my children if I went to trial, did not discuss the effect of going to trial or the government's calculations of the ill-gotten gains, and pushed me to agree with everything the government stated in the plea agreement and during the court's plea hearing. I declare that these misrepresentations and threats induced me to plead guilty and the lack of being given any of my discovery and I would not have done so otherwise.

But for trial attorney's inaccurate sentence prediction and lack of giving me discovery that was favorable to me I would never had taken a plea and would have gone to trial. The District Court sealed all of my discovery so I could not access it after I discovered there was favorable discovery (only 1 client complained out of thousands Medicare clients) and a gross mischaracterization of the likely outcome of my case, or that prejudice did not result which is an incorrect holding. As such I am asking that a Certificate of Appealability ensue.

## REASONS FOR GRANTING THE PETITION

The district court focused on only on aspect of my allegations of coercion, Attorney Jingoian's promise that I would not receive jail time if I plead guilty. The district court found that Jingoian's advice was a "mere inaccurate sentencing prediction." Although "a mere inaccurate [sentencing] prediction" is insufficient, "the gross mischaracterization of the likely outcome... combined with the erroneous advice on the possible effects of going to trial" is sufficient to find deficient performance. Iaea v. Sunn, 800 F.2d 861, 865 (9th Cir. 1986) (citing Brady v. United States, 397 U.S. 742, 748 (1970)). This imposes a duty on counsel "to supply criminal defendants with necessary and accurate information," so that defendants may make a knowing and voluntary plea. Iaea, 800 F.2d at 865.

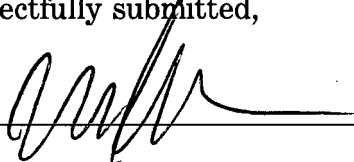
This includes not giving me favorable discovery (1 out of thousands of Medicare claims unfavorable) and telling me there was no favorable discovery and gross mischaracterization of the outcome of the sentence, which I ended up with a jail sentence, not probation or community service, and had to payback Medicare 100% of all Medicare clients' services not just for 1 claim.

Trial counsel Jingoian's actions in not giving me relevant information concerning her case, failing to advise me about the possible outcome if I went to trial and promising me probation for pleading guilty clearly constituted deficient performance, my plea was the product of coercion, not a knowing and intelligent choice. In addition, if I was given the discovery (favorable) and told that I would be given jailtime no matter if I took a plea or went to trial, and that if given the favorable discovery would be liable for \$54<sup>00</sup> for 1 Medicare patient claim not \$2.5 million in restitution, I would have chosen to go through trial. I am asking that this Honorable court remand my case, finding that my COA should be issued.

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, is written over a horizontal line.

Date: May 22, 2024