

25 - 5595 ORIGINAL
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED
JUN 11 2025
OFFICE OF THE CLERK

DINA D. SARKISOVA,

Petitioner,

v.

THE PEOPLE OF THE STATE OF CALIFORNIA,

Respondent.

On Petition For a Writ Of Certiorari

To the United States Court Of Appeals

For the Ninth Circuit

PETITION FOR A WRIT OF CERTIORARI

Dina D. Sarkisova

Petitioner in Pro Se

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San Diego, CA 92108

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QUESTIONS PRESENTED

1. Whether the Ninth Circuit Court of Appeals violated Petitioner's due process rights by summarily dismissing her appeal as frivolous under 28 U.S.C. § 1915(e)(2) without addressing subject-matter jurisdiction arguments properly raised under 28 U.S.C. §§ 1331 and 1441.
2. Whether an appeal challenging a district court's failure to analyze all asserted grounds for federal removal can be deemed frivolous where constitutional violations and overlooked federal statutes are clearly identified.

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PARTIES TO THE PROCEEDING

PETITIONER: Dina D. Sarkisova

RESPONDENT: The People of the State of California

RELATED PROCEEDINGS

1. The People of the State of California v. Dina D. Sarkisova,
No. CN443318 (San Diego Superior Court) – Ongoing
2. The People of the State of California v. Dina D. Sarkisova,
No. 3:25-cv-00072-JES-SBC (S.D. Cal.) – Remanded Jan. 15, 2025
3. The People of the State of California v. Dina D. Sarkisova,
No. 25-522 (9th Cir.) – Dismissed Apr. 29, 2025

OPINIONS BELOW

Appendix A: January 15, 2025 U.S. District Court for the Southern District of California

Order remanding the case to state court.

Appendix B: April 29, 2025 – The Ninth Circuit Court of Appeals

Order dismissing Petitioner's appeal.

APPENDIX

Appendix C: February 13, 2025 – the Ninth Circuit Court of Appeals Clerk's Order

requesting Declaration in support of appeal not being frivolous

Appendix D: March 19, 2025 – Petitioner's Declaration in support of appeal not being frivolous

Attachment 1: January 13, 2025 – Notice of Removal

Attachment 2: January 15, 2025 – Remand

Appendix E: February 11, 2025 – Petitioner's Motion to the Ninth Circuit Court of Appeals

requesting Injunctive Relief, with 4 lodgments.

Appendix F: April 29, 2025 – Petitioner's Request to the Ninth Circuit Court of Appeals

to expedite hearing on the Motion for Injunctive Relief.

JURISDICTION

The United States Court of Appeals for the Ninth Circuit entered judgment on April 29, 2025.

This petition is timely under Rule 13 of the Rules of the Supreme Court of the United States.

Jurisdiction is invoked under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- U.S. Const. Amend. V – Due Process Clause
- U.S. Const. Amend. VI - Fair Trial
- 28 U.S.C. § 1331 – Federal Question Jurisdiction
- 28 U.S.C. § 1441 – Removal of Civil Actions
- 28 U.S.C. § 1443 – Civil Rights Removal
- 28 U.S.C. § 1915(e)(2) – Frivolous Appeal Dismissal

STATEMENT OF THE CASE

On January 13, 2025, Petitioner Dina D. Sarkisova Removed her Misdemeanor criminal case (San Diego Superior Court Case No. CN443318) to the United States District Court for the Southern District of California, pursuant to 28 U.S.C. §§ 1331, 1441, and 1443.

In support of the Removal, Petitioner asserted that she was being subjected to unlawful proceedings in state court that violated her constitutional rights, including the right to present a defense, confront witnesses, act as her own counsel or be represented by conflict-free counsel, access full discovery, and obtain a fair trial. Petitioner alleged that the trial judge denied her the right to call witnesses or present exhibits to rebut the allegations against her, or to meaningfully consult counsel; that she was denied access to court records and discovery; and that officers of the court were acting in concert to sabotage her case and isolate her from relief.

The removal pleading invoked general federal question jurisdiction under § 1331, removal for civil rights violations under § 1443, as well as supplemental removal under § 1441. On January 15, 2025, the District Court issued an order remanding the case back to state court. The remand order addressed only § 1443, holding that the removal failed because Petitioner did not allege that the unfair treatment was the result of discrimination. The order did not analyze or mention the independently raised grounds under §§ 1331 and 1441.

On January 23, 2025, Petitioner filed a notice of appeal of the remand order to the United States Court of Appeals for the Ninth Circuit. On February 11, 2025, Petitioner also sought injunctive relief, requesting that the the Ninth Circuit render aid in recalling the warrant for Petitioner's arrest, issued by the Superior Court in retaliation for Petitioner's unwillingness to be sentenced for the alleged crimes, while the jurisdiction was with the District Court.

On February 13, 2025, The Clerk for the Ninth Circuit spontaneously stayed Petitioner's appeal and suspended deadlines, pending a Declaration that the Appeal was Not Frivolous, with no navigation or explanation what if anything caused Madam Clerk to suspect it frivolous. Petitioner submitted the Declaration as ordered, with attachments to evidence merit in her appeal, in that she had a legitimate claim for denial of Due Process when the District Court erroneously remanded her case while Federal jurisdiction was still pending under the remaining 2 statutes.

Petitioner's Declaration was timely received on March 19, 2025, but no action was taken, not with lifting the stay off the appeal process, not with respect to the injunctive relief sought.

On April 5, 2025, Petitioner learned of another appeal into the Ninth Circuit, by a Pro Se litigant faced with the same type of injustice from the same opposing party. Petitioner learned that the other appeal was met with the same vague inquiry from the Ninth Circuit: whether the other litigant's appeal was also potentially frivolous, with no reasons given for being flagged as such. Petitioner began to suspect that this was a premise for denying Due Process to Pro Se Litigants who have been made victims of litigation abuse by the Office of the District Attorney and/or the Executive Office of the state court.

On April 29, 2025, Petitioner filed a Motion to Expedite a ruling in the request for injunctive relief, because she remained in real danger of being kidnapped by the local law enforcement unwittingly acting on a bad faith warrant. Immediately thereupon, Petitioner received a summary dismissal of her appeal as frivolous as frivolous under 28 U.S.C. § 1915(e)(2), even though this simply could not be. The 2 statutes hold the jurisdiction within Federal District Court, unless ruled inapplicable.

Petitioner's motion to proceed in forma pauperis was also denied. The Ninth Circuit Court of Appeals did not address or acknowledge Petitioner's arguments that the District Court failed to consider other valid statutory bases for removal. It further ordered that no additional filings would be accepted in the case.

Now, Petitioner respectfully seeks review by this Court because the Ninth Circuit Court of Appeals' summary dismissal — without the analysis of properly raised Federal statutes or serious Due Process concerns — deprived Petitioner of meaningful appellate review, and violated her Fifth Amendment right to procedural fairness.

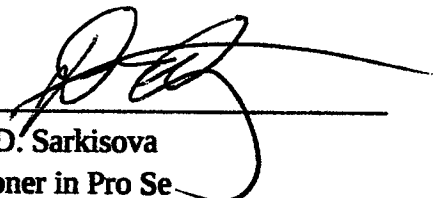
REASONS FOR GRANTING THE WRIT

- I. The Ninth Circuit Erred by Dismissing the Appeal Without Addressing Federal Question Jurisdiction**
- II. Dismissal of a Good-Faith Appeal as “Frivolous” Without Legal Analysis Deprives Petitioner of Due Process**
- III. The Petition Raises Questions of National Importance on Protection of Pro Se Litigants’ Access to Federal Courts**

CONCLUSION

Petitioner respectfully requests that this Court issue a writ of certiorari to review the judgment of the United States Court of Appeals for the Ninth Circuit and remand the case for proper consideration of all jurisdictional grounds and constitutional claims.

Dated: August 28, 2025



Dina D. Sarkisova
Petitioner in Pro Se