

No. 25-5615

ORIGINAL

Supreme Court, U.S.
FILED

JUL 21 2025

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Shahram Shakouri — PETITIONER
(Your Name)

vs.

Shakouri v. Keller et. al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

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

PETITION FOR WRIT OF CERTIORARI

Shahram Shakouri
(Your Name)

1525 F.M. 766
(Address)

Guero, Texas 77954
(City, State, Zip Code)

(361) 275-2075 Ext. 1233
(Phone Number)

RECEIVED

JUL 29 2025

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTIONS PRESENTED

Question Number One:

The Court of Appeals for the Fifth Circuit denied Petitioner's motion for extension of time to pay the required filing fee to appeal the dismissal of his § 1983 cause of action.

To the extent that this Court in *Ake v. Oklahoma*, 470 U.S. 68, 76 (1985) held: "The Fourteenth Amendment's due process guarantee of fundamental fairness derives from the belief that justice cannot be equal where, simply as a result of his poverty, a defendant is denied the opportunity to participate meaningfully in a judicial proceeding in which his liberty is at stake."

And considering that Petitioner asked the federal court for a prospective relief in form of a recommendation for a properly conducted review of his conviction by the state in the future, and in view of the fact that the state courts in their discretion might have decided to shorten his prison term, or release him from confinement,

* The question presented is:

- (1) Whether the Fifth Circuit erred in denying the motion of this poverty-stricken Petitioner for extension of time to pay the filing fee, denied him the opportunity to participate meaningfully in a judicial proceeding where his federal rights and his liberty was at stake?

Question Number Two:

Considering the unanimous opinion among some circuits that the phrase "inextricably intertwined" is frequently criticized. For instance, *Andrade*, 9 F.4th 1206, 1211 (11th Cir. 2021)("placing the phrase at the root of many mistaken Rooker-Feldman dismissal."); and

Gilbank, 111 F.4th 759, n.5 (7th Cir. 2024)("that we should avoid the inextricably intertwined framing.").

And in view of district court's acknowledgment that: "Plaintiff is not challenging the validity of his conviction, his sentence or its duration," that "he is not asking the Court to review the judgment of the state courts. Rather, he asserts he is targeting as unconstitutional the procedures employed by the defendants to deny appeals of his conviction." *The questions presented are:

- (1) Whether the district court erred in concluding that Petitioners's claim was inextricably intertwined with the state court's decision; and
- (2) Whether Petitioner's suit would not have been dismissed under inextricably intertwined framing, and would have ultimately succeeded if headed in another forum within the jurisdictions of the 2nd, 3rd, 6th, 7th, and 11th circuits?

Question Number Three:

To the extent that the district court failed to acknowledge much less analyze and apply the relevant precedents of this Court in *Exxon*, *Wilkinson*, *Skinner*, and *Reed* to Petitioner's case, and in view of the Fifth Circuit holding in *In re Volkswagen of Am. Inc.*, 545 F.3d at 310; that: "A court must exercise its discretion within the bounds set by relevant statutes and relevant binding precedents.", * The questions presented are:

- (1) Whether the district court's failure to account for Petitioner's reliance on this Court's precedents was an abuse of discretion; and
- (2) Whether the district court's failure to explain why Petitioner's claims did not pass the *Wilkinson's* or *Skinner's* test unjustly prejudice his substantial rights to the point of

denying him a fair review of his complaint?

Question Number Four:

Judge Elsa Alcala in *Ex Parte Dawson*, 509 S.W. 3d 294, 299 (Tex. Crim. App. 2016) observed: "Texas Constitution's mandate that a quorum of judges decide this Court's cases is not satisfied by what is effectively a standing order of this Court that permits an individual judge to act as a proxy for the quorum of judges on this Court on the basis of pre-vote on a category of cases that are never actually individually seen by any judge other than proxy judge."

In light of said opinion, Petitioner targeted as unconstitutional the authoritative construction of Tex. Const. Art. V, § 4(b) and Code of Crim. Proc. Art. 11.07 governing Texas habeas process, and challenged the legality of the Texas Court of Criminal Appeals' (TCCA's) standing order. To the extent that Petitioner did not make a direct challenge in the federal court to the state-court denial but rather, he made a facial challenge to the statutes and interpretations on which the decision was based. *Truong*, 717 F.3d 377, 382 (5th Cir. 2013), *The questions presented are:

- (1) Whether the district court clearly erred in concluding that Rooker-Feldman doctrine barred Petitioner's suit; and
- (2) Whether the district court erred in dismissing the suit, concluding that it lacked jurisdiction to hear the case?

Question Number Five:

To the extent that none of the essential elements of mandamus relief were presented in Petitioner's suit, and knowing that he did not ask the district court to take any action in the nature of manda-

mus, nor did he invoke the United States Code 28 U.S.C. § 1615, or § 1361, *The questions presented are:

- (1) Whether this Court's holding in **Feldman, Exxon, Wilkinson, Skinner**, or **Reed** leaves any room for the view that since Petitioner challenged the legality of the TCCA's 'standing order', and asked for injunctive relief, a federal court is authorized to construe his § 1983 cause of action as a request for mandamus relief; and
- (2) Whether the district court wrongly conflated the distinct issue of violation of procedural due process rights, with an entirely unrelated issue of mandamus relief?

Question Number Six:

In view of this Court's holding in **Mitchum v. Foster**, 407 U.S. 225, 240-242 (1972) that: "Plaintiff's claim for injunctive relief cannot be dismissed as frivolous on initial review," and considering that Petitioner asked the federal court for a declaratory injunctive relief, *The question presented is:

- (1) Whether the district court erred in dismissing the suit on initial screening pursuant to 28 U.S.C. § 1915A as frivolous?

Question Number Seven:

The district court denied Petitioner's first and only motion for leave to amend his complaint to cure any deficiency that led to the dismissal of his suit. To the extent that: "Under Fed. R. Civ. Proc. 15(a), a party may amend his pleadings once as a matter of course and thereafter with leave of court, which should be freely given in the interest of justice." **Cormouche v. Hooper**, 77 F.4th at 368 (5th Cir. 2023). And "given the Rule 15(a)(2)'s bias in favor of granting leave to amend, a court must possess a substantial reason to deny the re-

quest". **Smith v. EMC Corp.**, 393 F.3d at 595 (5th Cir. 2004), *The question presented is:

- (1) Whether Petitioner's substantial interest in litigating his claim was detrimentally effected by denial?

LIST OF PARTIES

Plaintiff

Shahram Shakouri

Represented by: Shahram Shakouri
01558021
1525 F.M. 766
Cuero, TX 77954
PRO SE

V.

Defendant

Scott Becker
Habeas Judge

Defendant

John Rolater
Assistant District Attorney

Defendant

Jennifer Edgeworth
Habeas Judge

Defendant

Amy Murphy
District Attorney's Office

Defendant

Sharon Keller
Presiding Judge

Defendant

Mary Lue Keel
Judge

Defendant

Bert Richardson
Judge

Jones v. Southern University, 834 Fed. Appx. 919 (5th Cir. 2020).....	18
McKeithen v. Brown, 481 F.3d 89 (2nd Cir. 2007).....	16
McCormick v. Braverman, 451 F.3d 382 (6th Cir. 2006).....	16
Mitchum v. Foster, 407 U.S. 225 (1972).....	vi, 13
Nance v. Ward, 142 S.Ct. 2214 (2022).....	ii, ix
Nunn v. Texas, 2022 U.S. App. LEXIS 6983 (5th Cir. 2022).....	12
Pennzoil v. Texaco Inc., 481 U.S. 1 (1987).....	16
Reed v. Goertz, 598 U.S. 230 (2023)	i, ii, iii, vi, ix, 9, 10, 11, 13, 14, 17
Reed v. Goertz, 995 F.3d 425 (5th Cir. 2021).....	9, 11
Rogers v. Byroad, 2025 U.S. App. LEXIS 10485 (7th Cir. 2025)....	8
Shakouri v. Keller, 2025 U.S. Dist. LEXIS 49564.....	1
Skinner v. Switzer, 562 U.S. 521 (2011)	i, ii, iii, iv, vi, ix, 9, 11, 13, 17
Smith v. AG, 2023 U.S. App. LEXIS 6884 (11th Cir. 2023)....	ix, 17
Smith v. EMC Corp., 393 F.3d 590 (5th Cir. 2004).....	vii
Troung v. Bank of Am., N.A., 717 F.3d 377 (5th Cir. 2013)	v, ix, 10, 16
Wilkinson v. Dotson, 544 U.S. 74 (2005)	i, ii, iii, iv, v, vi, ix, 9, 10, 13, 17
Wolcott v. Sebelius, 635 F.3d 757 (5th Cir. 2011).....	14

STATE CASES:

PAGES:

Ex Parte Ben, 508 S.W. 3d 298 (Tex. Crim. App. 2016).....	4
Ex Parte Dawson, 509 S.W. 3d 294 (Tex. Crim. App. 2016)	iv, 3, 4, 5, 12
In re Allcat Claims Serv. L.P., 356 S.W. 3d 455 (Tex. 2011)...	vi
In re Coronado, 508 S.W. 3d 261 (Tex. Crim. App. 2016).....	12
In re Shakouri, 2025 Tex. App. LEXIS 37079 (Tex. App. Ft. Worth)	8

Defendant

Kevin Yearly
Judge

Defendant

Scott Walker
Judge

Defendant

Jesse F. McClure
Judge

Defendant

Barbara P. Harvey
Judge

Defendant

Michelle Slaughter
Judge

Defendant

David Newman
Judge

RELATED CASES

District of Columbia Court of Appeals v. Feldman, 460 U.S. 462 (1983)
Ex parte Young, 209 U.S. 123 (1908)
Exxon Mobil Corp v. Saudi Basic Industries Corp., 544 U.S. 280, (2005)
Nance v. Ward, 142 S.Ct. 2214 (2022)
Reed v. Goertz, 598 U.S. 230 (2023)
Skinner v. Switzer, 562 U.S. 521 (2011)
Smith v. AG, 2023 U.S. App. LEXIS 6884 (11th Cir. 2023)
Truong v. Bank of Am., N.A., 717 F.3d 377 (5th Cir. 2013)
Wilkinson v. Dotson, 544 U.S. 74 (2005)

INDEX OF AUTHORITIES

FEDERAL CASES:

PAGES:

Ake v. Oklahoma, 470 U.S. 68	ii
Andrade, 9 F.4th 1206 (11th Cir. 2021)	ii
Arbaugh v. Y&H Corp., 126 S.Ct. 1235 (2006)	19
Burciga v. Deutsche Bank Nat'l Trust Co., 871 F.3d 380 (5th Cir. 2017)	ii
Carter v. Hardy, 526 F.2d 314 (5th Cir. 1976)	13
Cormouche v. Hooper, 77 F.4th 362 (5th Cir. 2023)	vii
DC Court of Appeals v. Feldman, 460 U.S. 462 (1983) v, vi, 13, 15, 17	
Ex Parte Young, 209 U.S. 123 (1908)	ix, 14
Exxon Mobil Corp. v. Saudi Basic Industries Corp., 544 U.S. 280 (2005)	i, ii, iii, v, vi, ix, 13, 15
Federal Power Comm'n v. Transcontinental Gas Pipe Line Corp., 423 U.S. 326 (1976)	2
Garry v. Geils, 82 F.3d 1362 (7th Cir. 1996)	13
Gilbank Wood Cnty. Dep't of Hum. Serv., 111 F.4th 759 (2nd Cir. 2024)	iii, 15
Great Plains Trust Co. v. Morgan Stanley Dean Witter & Co., 313 F.3d 305 (5th Cir. 2002)	18
Great Western Mining and Mineral Co., v. Fox Rothschild, 2010 U.S. App. LEXIS 16210 (3rd Cir. 2010)	15, 16
Gutierrez v. Seanz, 93 F.4th 267 (5th Cir. 2024)	10, 11
Haines v. Kerner, 404 U.S. 519 (1972)	8
Hall v. Dixon, 2010 U.S. Dist. LEXIS 105021 (S.D. Tex. Houston 2010)	16
Hildebrand v. Honeywell Inc., 622 F.3d 179 (5th Cir. 1980)	19
Hoover v. Ward, 109 Fed. Appx. 213 (10th Cir. 2004)	8
Howard v. King, 707 F.2d 215 (5th Cir. 1983)	8
In re Volkswagon of Am. Inc., 545 F.3d 308 (5th Cir. 2008)	iv

FEDERAL STATUTES AND RULES:

PAGES:

Fed. Rule Civ. Proc. 8(a)	19
Fed. Rule Civ. Proc. 15(a)	vii, 18
Fed. Rule Civ. Proc. 15(a)(2)	vii
Fed. Rule Civ. Proc. 59(e)	1
42 U.S.C.S. § 1254	2
42 U.S.C.S. § 1254(1)	2
28 U.S.C. § 1331	18
28 U.S.C. § 1332	18
28 U.S.C. § 1361	v
28 U.S.C. § 1651	v
28 U.S.C. § 1651(a)	2
28 U.S.C. § 1746	21
28 U.S.C. § 1915A	i, vi, 1, 3, 13
42 U.S.C.S. § 1983	i, vi, 2, 10, 13, 19
Supreme Court Rules 29(3)	21
Supreme Court Rule 33.1(d)	20
Supreme Court Rule 33.1(h)	20

STATE STATUTES AND RULES:

Tex. Code Crim. Proc. Art. 11.07	i, v, 2, 3, 4, 5, 7, 12
Tex. Const. Art. V § 4(b)	i, v, 2, 5, 6, 7

TABLE OF CONTENTS

QUESTIONS PRESENTED	i
Question Number One	i
Question Number Two	ii
Question Number Three	iii

Question Number Four	iv
Question Number Five	v
Question Number Six	vii
LIST OF PARTIES	viii
RELATED CASES	ix
TABLE OF CONTENTS	,xii, xiii
INDEX OF AUTHORITIES CITED	x, xi, xii
OPINION BELOW	1
JURISDICTION	1
STATEMENT OF THE CASE	2
BACKGROUND	3
REASONS FOR GRANTING PETITION	7
I. APPEAL FROM THE DECISION OF FIFTH CIRCUIT	7
II. APPEAL FROM THE DECISION OF DISTRICT COURT	8
A. Petitioner's Allegations Did Not Implicate Rooker-Feldman Doctrine	8
B. Petitioner Sought to Prevent Future Violations of His Rights, Rooker-Feldman Does Not Bar Those Type of Forward-Looking Relief	11
C. The District Court Erroneously Conflated The Distinct Issue of Due Process Violation With a Request for Mandamus Relief	13
III. The 'Inextricably Intertwined' Language is Not Useful in Analyzing Questions Under Rooker-Feldman	15
A. The District Court Erred in Dismissing The Suit Without Giving Petitioner an Opportunity to Amend as Matter of Course Under Fed. R. Civ. P. 15(a).....	18
B. Subject Matter Jurisdiction, Federal Question	18
CONCLUSION	20
CERTIFICATE OF COMPLIANCE	20
VERIFICATION	21
CERTIFICATE OF SERVICE	21

INDEX OF APPENDICES

- Appendix "A": The Fifth Circuit's Opinion Denying Petitioner's Motion for Extension of Time to Pay the Filing Fee.
- Appendix "B": The District Court's Judgment Dismissing Petitioner's Section 1983 Cause of Action on Initial Review.
- Appendix "C": Petitioner's Civil Rights Complaint Filed Pursuant to U.S.C. § 1983.
- Appendix "D": Petitioner's Rule 59(e) Motion to Alter or Amend, and Motion for Leave to Amend the Complaint.
- Appendix "E": The TCCA's 'White Card Dismissing Petitioner's 2023 Habeas Petition, and an Example of TCCA's 'Action Taken' Document.
- Appendix "F": TCCA's White Card Dismissing Petitioner's Habeas Petition.
- Appendix "G": An Email From TCCA Informing Petitioner The Court Stopped Issuing the Action Taken Document.

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

The opinion of the United States Court of Appeals for the Fifth Circuit appears at Appendix "A" to the petition. The opinion is reported at 2025 **Shakouri v. Becker**, 2025 U.S. App. LEXIS 15725.

The opinion of the United States district court appears at Appendix "B" to the petition. The opinion is reported at **Shakouri v. Keller**, 2025 U.S. Dist. LEXIS 49564.

JURISDICTION

The district court dismissed Petitioner's complaint without prejudice pursuant to 28 U.S.C. § 1915A on January 28, 2025. See Appendix "B". On February 24, 2025, Petitioner filed a Motion to Alter or Amend under Rule 59(e), and Motion for Leave to Amend Complaint. See Appendix "D". The district court denied said Motions on February 25, 2025. See Docket Sheet Appendix "E". A timely Notice of Appeal was filed on March 14, 2025, followed by a Motion for Extension of Time to Pay \$605.00 Filing Fee. The Fifth Circuit declined to extend the time to pay the filing fee, and denied Petitioner's Motion first, on April 18, 2025, and later on June 25, 2025. See Appendix "A".

The decision of the Fifth Circuit to deny extension of time to pay the filing fee, although interlocutory in nature, resulted in

ultimate termination of Petitioner's litigation. This Court in **Federal Power Comm'n v. Transcontinental Gas Pipe Line Corp.**, 423 U.S. 326, 331 (1976) held: "A lower court's order, although interlocutory in nature, is properly reviewable by the United States Supreme Court pursuant to 28 U.S.C.S. § 1254(1). Clearly the effect of the order is immediate and irreparable, and any review by this Court of the propriety of the order must be immediate to be meaningful."

28 U.S.C. § 1254, provides that: "Cases in the court of appeals be reviewed by the Supreme Court by...writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree." See also 28 U.S.C. § 1651(a) ("The Supreme Court and all courts established by act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to usages and principles of law."). This matter thus, is properly before this Honorable Court for review.

STATEMENT OF CASE

Petitioner, a Texas prisoner brought suit under 42 U.S.C. § 1983 against the judges of Texas Court of Criminal Appeals (TCCA), and the Collin County Officials in their official capacity. Appellant challenged the constitutionality of TCCA's "internal standing order" which allows the court to resolve certain applications for writ of habeas corpus by a single proxy judge instead of a quorum of judges on the court as it is required by the Tex. Const. Art. V. § 4(b), and mandated by the Tex. Code Crim. Proc. Art. 11.07.

Petitioner essentially raised a procedural due process challenge to the procedures and rules governing Texas direct appeal, and questioned the constitutionality of the habeas review process. Petitioner did not make a direct challenge to the state court adverse rulings. Nor did he ask the district court to review or undo the state court judgment. See Appellant's complaint at 2, 3 Appendix "C".

The Honorable District Judge, Robert Pitman dismissed the suit without prejudice pursuant to 28 U.S.C. § 1915A for lack of jurisdiction. The court further held that "Rooker-Feldman prohibits federal court review of claims that are inextricably intertwined with a state court decision." Notwithstanding that Petitioner asked for a prospective injunctive relief. See district court's order at 5, 6, 7 Appendix "B".

BACKGROUND

In August 2015, the Texas Court of Criminal Appeals denied Petitioner's writ of habeas corpus; WR-82,404-01 without a written order in accordance with the court's standing order by a single proxy judge vote.

In November 2016, Judge Elsa Alcala (former TCCA Judge) in *Ex parte Dawson*, 509 S.W.3d 294 explained: "Texas Constitution requires a decision by a quorum of judges on this Court, and thus a denial of habeas relief by a single judge on this Court fails to comply with this requirement. While it is true that the Texas Constitution gives individual judges on this Court the power "to issue the writ of habeas corpus," that power does not apply to Article 11.07 habeas applications because the Code of Criminal Procedure provides that the iss-

uance of the writ in this context is done by the convicting court rather than by this Court as a whole or its individual judges. Furthermore, the Texas Constitution mandates that a quorum of judges decide this Court's cases is not satisfied by what is effectively a standing order of this Court that permits an individual judge to act as a proxy for a quorum of the judges on this Court on the basis of a pre-vote on a category of cases that are never actually individually seen by any judge other than the proxy judge." Id., at 299.

Judge Alcala voiced her concern about the use of TCCA's "standing order" with respect to assigning certain habeas petitions to a lone judge as opposed to a panel or en banc in a few more cases. For instance, in *Ex parte Ben*, 508 S.W.3d 298 (Tex. Crim. App. 2016) she observed: "Like *Dawson*, this case that was designated by a staff member as one that should be denied by a single judge presents claims that require careful analysis and fact that might reasonably lead two different judges to reach different conclusions as to how the case should be resolved." Id., at 306.

"In sum,...I [Alcala] maintain my view that Article 11.07 habeas applications must be decided by a quorum of this Court and not by a single judge who alone renders a final decision on the merits denying relief. This result follows from the plain language of both the Texas Constitution and the Code of Criminal Procedure. Furthermore, as explained above, the resolution of Article 11.07 habeas application frequently requires discretionary application of legal reasoning to unique factual circumstances. Even assuming that a standing order or proxy vote method satisfies the Texas Constitution and Code's quorum mandate, such a system is wholly unfit to ensure that this Court denies relief accurately and consistently." Id., at 309.

In light of Judge Alcala's opinion in *Ex parte Dawson*, and its progeny, Appellant filed his second habeas corpus petition on May 3, 2023. He claimed inter alia that resolution of his prior habeas petition pursuant to the Court's internal standing order by a lone judge denied him a constitutionally acceptable habeas review as the procedures employed by the TCCA to deny relief did not comport with the mandates of Texas Constitution as defined in Art. V § 4(b) and the requirements of Tex. Code Crim. Prac. Art. 11.07. He asked the court to decide the outcome of his habeas petition by a three-judge panel or an en banc court.

On July 5, 2023, TCCA dismissed the habeas petition as successive without reaching the merits of Appellant's claims. See a copy of the Court's 'white card' Appendix "E". The Court, however, despite repeated requests, adamantly refused to disclose its "Action Taken" document. This document contains the signature of a lone judge who denies or dismisses a habeas petition. See e.g., Appendix "E".

In response to Appellant's request for a copy of "Action Taken" document pursuant to Texas Public Information Act, the Office of the Clerk informed Appellant that starting April 2023, the Court stopped issuing the "Action Taken" document. See Appendix "G".

On December 3, 2023, Appellant filed this instant cause of action in which he asserted that he was not attacking the adverse state-court's decisions itself but rather the TCCA's authoritative construction of state statutes governing rendition of those decisions. See Complaint at 2, 3 Appendix "C".

By reliance on the relevant precedents from this Court and the Fifth Circuit, Petitioner targeted as unconstitutional the procedures employed by the TCCA judges (Austin Defendantants) to deny appeals of his conviction. Petitioner specifically asserted that TCCA's authoritative construction of Tex. Const. Art. V § 4(b), and the enforcement of an unconstitutional policy "internal standing order" instituted by the TCCA has abolished the provisions of Texas Constitution, and violated Appellant's due process rights under Federal Constitution. See Complaint at 16, 17 Appendix "C".

Petitioner brought to the attention of the district court that accordingly, his claim is distinguished from a habeas petition in that he is seeking relief from a procedural violation of a state-created right by the state actors in the state post-conviction process to that end, Rooker-Feldman doctrine does not prohibit the federal court from vindicating his federally protected rights. See Complaint at 3 Appendix "C".

Petitioner asked the district court for a prospective relief in the form of a recommendation for a new direct appeal or a properly conducted habeas corpus review in the future. Petitioner did not ask the federal court to order the state courts to adhere to the state laws. Nor did he ask the district court to compel the state courts to perform their duties as he wishes. And most certainly, Petitioner did not ask the district court for any mandamus relief.

Nonetheless, the district court erroneously conflated the issue of violation of procedural due process claim, which is an issue of federal law and an independant legal claim with an entirely unrelated issue of mandamus relief. Consequently, the court misconstrued the

suit as a request for mandamus relief. See Court's ORDER Appendix "B". See also Appellant's Complaint Appendix "C".

REASONS FOR GRANTING PETITION

This petition presents two questions of constitutional importance; (1) Whether the Texas Court of Criminal Appeals authoritative construction of Tex. Const. Art. V § 4(b), and Tex. Code Crim. Proc. Art. 11.07 violates the constitutional rights of tens of thousands of Texas prisoners seeking habeas relief; and (2) Whether a federal court is authorized to dismiss a Section 1983 cause of action under Rooker-Feldman doctrine for being inextricably intertwined with the state-court judgment, where the federal Plaintiff did not challenge the validity of the state-court judgment, nor did he ask the federal court to review, reject, or nullify the state-court decision?

The issues raised in this petition are significant and are best considered by the Supreme Court at the earliest possible date in order to resolve inconsistency among the federal courts concerning the use of the phrase 'inextricably intertwined', and to determine the legality of Texas habeas review, which: (1) Involves the protection of constitutional rights and the public interest in the government maintaining rules, and procedures that comply with constitutional requirements, and (2) concerns with the denial of the fundamental procedural fairness (procedural due process guarantees) of thousands of Texas prisoners seeking habeas corpus relief.

I. APPEAL FROM THE DECISION OF FIFTH CIRCUIT

The decision of the appellate court to deny Petitioner's Motion For Extension of Time to Pay Filing Fee, essentially terminated his

civil rights complaint at the circuit level. Petitioner did not ask the appellate court for an exemption from the payment of the filing fee, nor did he ask for an in forma paupers status, knowing he had three strikes against him. Nonetheless, the Fifth Circuit refused to grant additional time to pay the filing fee, even though, Petitioner explained to the Court that he has been incarcerated for the past 17-years living on the charity of friends and family.

It is worth noting here that the other circuits have granted additional time to their litigants to pay the filing fees. See for instance, *Rogers v. Byroad*, 2025 U.S. App. LEXIS 10485 (7th Cir. 2025); and *Hoover v. Ward*, 109 Fed. Appx. 213 (10th Cir. 2004). The Court of Appeals, Second District of Texas recently exempted Petitioner from the payment of filing fee due to his indigency. See *In re Shahram Shakouri*, No. 2025 Tex. App. LEXIS 37079 (Tex. App. Ft. Worth).

II. APPEAL FROM THE DECISION OF DISTRICT COURT

A. Petitioner's Allegations Did Not Implicate Rooker-Feldman Doctrine

This action involves colorable issues of constitutional deprivation. Petitioner contends that the district court should have considered his complaint under less stringent standards applicable to pro se litigants; *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972). First, the Court was required to "take as true the allegations of the complaint" in dismissing the suit without prejudice pursuant to § 1915A. See *Howard v. King*, 707 F.2d 215 (5th Cir. 1983).

Most importantly, the Court was required to take into consideration (with a degree of care), Petitioner's reliance on a long line of this Court and the Fifth Circuit rulings in support of his complaint.

laint. Petitioner's reliance on *Reed v. Goertz*, 143 S.Ct. 955 (2023); *Wilkinson v. Dotson*, 125 S.Ct. 1242; *Skinner v. Switzer*, 562 U.S. 521; and *Reed v. Goertz*, 995 F.3d 425, 430 (5th Cir. 2021), established averments of his complaint, endorsed his argument, and proved by competent evidence that the Rooker-Feldman doctrine was inapplicable, and the district court had jurisdiction to award the prospective declaratory injunctive relief requested.

The Supreme Court precedents on which Petitioner relied on in support of his argument, clearly demonstrate that Rooker-Feldman doctrine did not bar his claims because he did not seek appellate jurisdiction from the federal court; did not challenge his conviction or sentence; and did not ask the district court to review; modify; or nullify the adverse state-court decisions. Thus, contrary to the district court's finding, there was no need to review the propriety of the state-court's judgments. Accordingly, Petitioner's suit did not present the "paradigm" Rooker-Feldman doctrine, and the controversial phrase "inextricably intertwined" did not apply to his case. To that end, the district court plainly erred in concluding that it lacked jurisdiction to hear the case.

Considering Petitioner's full pleadings in light of both constitutional violation and the binding case laws, the question is why the district court did not account for Petitioner's reliance on this Court's precedents. Or why did the district court refuse to acknowledge, let alone analyze, and apply this Court's binding precedents to his suit?

In spite of its obligation to abide by the binding decisions of the Supreme Court in *Reed* supra, and its progeny, the district court

failed to explain why said precedents are inapplicable to the case at hand. In its 8-page ruling, not even once did the Court refer to Petitioner's reliance on this Court's precedents governing the facts and circumstances of this case, nor did the Court explain why Petitioner's claims did not pass the Reed or Wilkinson test.

Furthermore, the district court did not explain why Reed's challenge to the Texas post-conviction DNA testing procedures, or Wilkinson's calling into question the validity of parole procedures are cognizable claims under 42 U.S.C. § 1983, but a challenge to the procedures regulating direct appeals process, or calling into question the rules, and interpretations governing the habeas review process in Texas is barred by the Rooker-Feldman doctrine.

The question as to why the district court did not account for Petitioner's reliance on this Court's precedents looms even larger in light of the Fifth Circuit ruling in *Gutierrez v. Seanz*, 93 F.4th 267, 271 (2024) in which the Court held: "Though barred from making a direct challenge in the federal court to the state-court denial, he may make a facial challenge to the statutes, rules, and interpretations on which the denial was based. See *Truong v. Bank of Am. N.A.*, 717 Fed. 3d 377, 382 (5th Cir. 2013). The Fifth Circuit further observed: "The Supreme Court recently applied those principles when it allowed another Texas inmate's claim of constitutional defect in Texas DNA testing procedures after the Court of Criminal Appeals had denied such testing. See *Reed v. Goertz*, 598 U.S. 230, 235, 143 S.Ct. 955 (2023). Even though the Court of Criminal Appeals had already rejected the prisoner's effort to have DNA testing of evidence, the Supreme Court allowed the claim because "he did not challenge the adverse state

court decisions themselves, but rather targeted as unconstitutional the Texas statute they authoritatively construed." Id. (quoting *Skinner v. Switzer*, 562 U.S. 521, 131 S.Ct. 1289 (2011)).

To the extent that Petitioner did not challenge the state courts denial of habeas relief, but instead, he raised an independent claim targeting as unconstitutional the Court of Criminal Appeals "internal standing order", the rules on which the decision was based, not the denial itself. And considering that he questioned the constitutionality of the statute the Court of Criminal Appeals authoritatively construed, it is not clear why the district court did not apply the very same principles that this Court or the Fifth Circuit applied to *Reed supra*, and to *Gutierrez supra* to the present case?

**B. Petitioner Sought to Prevent Future Violations of His Rights,
Rooker-Feldman Does Not Bar Those Types of Forward-Looking
Relief.**

As it can be observed from the record of this case, the true trust of Petitioner's allegations was against the underlying rules, and procedures on which the state court's judgments were based, not against the merits of the judgments themselves. Thus, the district court's suggestion that: "Petitioner cannot avoid the Rooker-Feldman doctrine by casting his complaint in the form of a civil right action," is not on point here, and it is not supported by any of Petitioner's statements.

On this issue, the Fifth Circuit has explained: "The Rooker-Feldman doctrine bars collateral challenge to state judgment, but does not bar facial challenge to the underlying rules of law on which those judgments are based...Paul's complaint calls the statute facially un-

constitutional at least five times and request prospective declaratory and injunctive relief against the law's enforcement. These claims are not barred by Rooker-Feldman, and the district court should have recognized as much." Id. [*6] *Nunu v. Texas*, 2022 U.S. App. LEXIS 6983 (5th Cir. 2022).

Likewise, in the present case, Petitioner called into question the constitutionality of TCCA's internal rules, or "standing order", authorizing a single proxy judge to decide the outcome of the habeas petitions, not a quorum of judges as it is required by the Texas Constitution. As Judge Alcala explained in *In re Coronado*, 508 S.W.3d 261 (Tex. Crim. App. 2016) ("This Court's current system for ultimate resolution of habeas writ is a failure...the judges should not delegate judicial discretionary decisions to the staff members...importantly, in *Dawson*, 509 S.W.3d 294, a majority of the judges on this Court appeared to agree that, in absence of a standing order or proxy vote, a single judge would lack authority to deny relief to an Article 11.07 habeas applicant in the absence of a quorum of judges.") Id. at 268.

Petitioner's reliance on Judge Alcala's opinion in *In re Coronado* supra, is additional evidence that Rooker-Feldman did not bar his claim because the injury at issue is caused not by the state court judgment, but by the unconstitutional conduct of the defendants. The historical background of the defendants' decision to enact and enforce the 'standing order' or 'proxy vote' shows that: (1) It impaired and defeated the purposes of the Texas Constitution and federal law; (2) the injury from the enforcement of the 'standing order' was apart from the judgment of the court; and (3) the injury existed long before TCCA decided the outcome of Petitioner's habeas petition. Accordingly,

the Rooker-Feldman did not apply to Petitioner's case. As the Seventh Circuit explained: (Rooker-Feldman does not apply where injury exist "apart from the loss in the state court.")(Garry v. Geils, 82 F.3d 1362, 1364-70 (7th Cir. 1996)).

**C. THE DISTRICT COURT ERRONEOUSLY CONFLATED THE DISTINCT
ISSUE OF DUE PROCESS VIOLATION WITH A REQUEST FOR
MANDAMUS RELIEF.**

The relevant authorities of Supreme Court in *Feldman*, *Exxon*, *Wilkinson*, *Skinner*, and *Reed* makes clear that violation of due process before the district court was a separate and distinct issue of constitutional deprivation, and not a request for mandamus relief. By not taking into consideration Petitioner's reliance on this Court's precedents noted above, the district court substantially departed from applicable legal standard, and consequently failed to recognize that allegations in Petitioner's complaint were sufficient to withstand the initial screening under 28 U.S.C. § 1915A, and the Court was without authority to dismiss the suit as frivolous.

Petitioner, thus seeks review of the district court's decision to dismiss his Section 1983 cause of action on the ground that the district court patently misunderstood the nature of his complaint. The relevant facts are as follows:

1. As the Supreme Court explained in *Mitchum v. Foster*, 407 U.S. 225, 240-242, 92 S.Ct. 2151 (1972), and the Fifth Circuit in *Carter v. Hardy*, 526 F.2d 314, 315 (5th Cir. 1976) "Section 1983 authorizes federal injunctive relief against state officials, whether executive, legislative, or judicial, to prevent violation of due process rights. As such, plaintiff's claim for injunctive relief should not have been dismissed as frivolous on initial screening";

2. To the extent that Petitioner relied on *Reed v. Goertz*, 143 S.Ct. 955, 961 (2023) and complained about violation of his federal due process rights, and invoked *Ex parte Young*, 209 U.S. 123 (1908) in which this Court held: "doctrine allows plaintiff to sue individual defendants in their official capacity for injunctive relief requiring the defendants to prospectively cease violating the plaintiff's rights. And considering that Petitioner claimed that he "is suing the defendants in their official capacity, seeking declaratory prospective relief." (See Complaint at 10). Petitioner presented the federal court with a cognizable Section 1983 action, and not a petition for writ of mandamus;
3. To the degree that Petitioner sought a new appellate review of his conviction by the state conducted under constitutionally proper procedures in the future. *Id.*, at 43. And knowing that he asked the district court "to vindicate his federally protected constitutional rights and accord him a prospective relief that directly redresses the ongoing injury." *Id.*, at 7. He asked for an injunctive relief and not a mandamus review;
4. When taking into account that Petitioner requested a declaratory judgment prohibiting the enforcement of the TCCA's 'internal standing order' in determining the outcome of his future appeals, *Id.*, at 43, he asked the district court for an injunctive relief and not a mandamus action;
5. The essential elements of mandamus petition are not present in Petitioner's complaint. The Fifth Circuit in *Wolcott v. Sebelius*, 635 F.3d 757, 768 (5th Cir. 2011) explained: "Three elements are required for mandamus action (1) the plaintiff had a clear right to relief, (2) the defendant a clear duty to act, and (3) no other remedy exist." In the case at hand, Petitioner did not claim that he had a clear right to overturn his conviction or to be released from

confinement. Nor did he allege that the TCCA had a clear duty to review and reject the judgment of the lower courts. And finally; Petitioner did not suggest that there was no other adequate remedy except a mandamus relief. Therefore, none of the three required elements of mandamus were present in his complaint; and

6. Petitioner's complaint was not titled 'In re Shahram Shakouri, or Petition for Writ of Mandamus.' Nor did Petitioner ask the federal court to compel a lower state or federal agency to perform a ministerial duty. The district court, thus, clearly erred in construing Petitioner's Section 1983 as a request for mandamus relief.

III. "The 'inextricably intertwined' language is not useful in analyzing questions under Rooker-Feldman." Gilbank, 111 F.4th 754 (7th Cir. 2024)

On the question as to whether or not a 1983 cause of action can be dismissed for being inextricably intertwined with the state-court judgment, the district court for the Southern District of Texas, Houston Division held: "Before Exxon, courts often invoked Rooker-Feldman as a basis for dismissing the federal cases that was inextricably intertwined with an issue determined in a state-court case. See Feldman, 460 U.S. 486. Courts and commentators since Exxon have concluded that inextricably intertwined language does not create a separate avenue to dismissal. See *Great Western Mining and Mineral Co. v. Fox Rothschild*, 2010 U.S. App. LEXIS 16210, at *9 (3rd Cir. 2010)("The phrase inextricably intertwined does not create an additional legal test or expand the scope of Rooker-Feldman beyond the challenges to the state court judgments.").

The Houston Court further held: "In Exxon, the Supreme Court implicitly repudiated the circuits post Feldman use of phrase inextricably intertwined to expand the Rooker-Feldman to situations where the source of injury was not the state-court judgment." *Hall v. Dixon*, 2010 U.S. Dist LEXIS 105021 (S.D. Tex. Houston 2010, at *116)(quoting *McCormich v. Braverman*, 451 F.3d 382, 394 (6th Cir. 2006)).

The Fifth Circuit in *Truong v. Bank of America N.A.*, 717 F.3d 377, 385 (5th Cir. 2013) citing *McKeithen v. Brown*, 481 F.3d 89, 97 n.7 (2nd Cir. 2007) explained: Independent claims and inextricably intertwined are simply descriptive labels devoid of substantive content." "Accordingly, BOA and Wells Fargo's invocation of inextricably intertwined label is unavailing." The Fifth Circuit further observed: "If the source of injury is the state-court judgment, and not an allegedly illegal act or omission by an adverse party, then Rooker-Feldman applies." *Id.*, at 383.

The Third Circuit further explained: "When a federal plaintiff brings a claim, whether or not raised in the state court, that asserts injury caused by a state-court judgment and seeks review and reversal of that judgment, the federal claim is 'inextricably intertwined' with the state judgment." See *Great Western Mining and Mineral Co. v. Fox Rothschild*, 615 F.3d 159, 170 (3rd Cir. 2010).

In *Pennzoil v. Texaco, Inc.*, 481 U.S. 1 (1987), the Supreme Court quoting the Second Circuit explained: "That [Rooker-Feldman] doctrine did not completely bar the district court's jurisdiction. It concluded that the due process and equal protection claims, not

presented by Texaco to the Texas courts, were within the district court's jurisdiction because they were not 'inextricably intertwined' with the state court action. *Id.*, at 1144 (quoting *District of Columbia Court of Appeals v. Feldman* *supra*, at 483, n. 16)" [*8].

Likewise, in the case at hand, the Rooker-Feldman doctrine did not bar the district court's jurisdiction because the TCCA did not address the substance or merits of Petitioner's due process and equal protection claims. In his subsequent 2017 writ application, Petitioner presented the state courts with violation of his procedural due process and equal protection claims. Petitioner complained that enforcement of the Court's unconstitutional policy, "standing order" violated his federally protected rights.

TCCA dismissed the habeas writ on procedural grounds without reaching the merits of his claims. See Appendix "F". Accordingly, Petitioner's due process and equal protection claims were not inextricably intertwined with the habeas issues raised in the state courts, and the claims were within the district court's jurisdiction. Especially, when considering that Petitioner did not invite the federal court to sit in appellate review of the state court decisions. Nor did he ask the district court to alter, change, or reject the state court judgments.

In sum, the present case is akin to *Wilkinson*, *Skinner*, and *Reed* in which neither the Rooker-Feldman doctrine, nor the phrase inextricably intertwined did not divest the district court of jurisdiction to hear Petitioner's suit. As the Eleventh Circuit explained: "A procedural due process violation by a state may form the basis for a suit under § 1983." *Smith v. AG*, 2023 U.S. App. LEXIS 6884 [*6] (11th Cir. 2023).

A. The District Court Erred In Dismissing The Suit Without
Giving Petitioner An Opportunity To Amend As Matter Of
Course Under Fed.R. Civ. P. 15(a)

Petitioner was not apprised of the insufficiency of his complaint. He was not informed that his due process and civil rights allegations were inextricably intertwined with the state-court judgment. He was not afforded an opportunity to amend his complaint to plea facts that would overcome any deficiencies in his complaint.

No questionnaire was provided to permit him to bring into focus the factual and legal basis of his claims, and no order for a more definite statement of facts was issued. Instead of assisting Petitioner to remedy any deficiency in his pleading, the district court closed the case and denied his motion to amend his complaint. Notwithstanding that, the Fifth Circuit discourages dismissing a case without affording plaintiff at least one opportunity to cure pleading deficiencies. See *Great Plains Trust Co. v. Morgan Stanley Dean Witter & Co.*, 313 F.3d 305, 329 (5th Cir. 2002).

The Fifth Circuit further held: "Leave to amend should be freely given to promote justice. Fed. R. Civ. P. 15(a)." *Jones v. Southern University*, 834 Fed. Appx. 919, 922 (5th Cir. 2020).

B. SUBJECT MATTER JURISDICTION, FEDERAL QUESTION

The district court had jurisdiction to hear the case because the following facts are indisputably true:

1. The basic statutory grounds of federal court subject matter jurisdiction are contained in 28 U.S.C. §§ 1331, and 1332. Section 1331 provides for "federal-question" jurisdiction, and Section 1332 for diversity of citizenship. A plaintiff properly invokes § 1331 jurisdiction when she pleads a

colorable claim arising under the Constitution or laws of the United States. *Arbaugh v. Y & H Corp.*, 126 S.Ct 1235, 1244 (2006);

2. Petitioner secured federal-question jurisdiction under 28 U.S.C. 1331, and invoked jurisdiction under 28 U.S.C. §§ 1343, and 2201, asking the court to issue a declaratory judgment. The complaint, hence clearly revealed a proper basis for assuming jurisdiction and "the district court had a duty under Fed. R. Civ. P. 8(a) to read the complaint liberally to determine whether the facts set forth justify it in assuming jurisdiction other than pleaded." See *Hildebrand v. Honeywell, Inc.*, 622 F.2d 179, 181 (5th Cir. 1980).
3. Petitioner cited 42 U.S.C. § 1983 as basis for jurisdiction of his suit and made allegations of civil rights and constitutional violations by the state actors. Petitioner's complaint, thus alleged facts sufficient under both elements of Section 1983 to confer jurisdiction upon the district court;
4. Petitioner did not collaterally attack the state court judgments but rather he challenged as unconstitutional the rules and policies that led to the judgments. *Rooker-Feldman* doctrine, thus did not negate jurisdiction; and
5. The district court issued no order instructing Petitioner to file an amended petition addressing the question of the court's jurisdiction to hear the case.

The aforementioned facts affirmatively demonstrate that the district court had federal-question jurisdiction over Petitioner's federal claims.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully Submitted,

Shahram Shakouri

Shahram Shakouri

Date: July 10, 2025

CERTIFICATE OF COMPLIANCE

Shahram Shakouri

Petitioner

v.

Sharon Keller, et. al,

Respondent(s)

As required by Supreme Court Rule 33.1(h), I certify that the petition for a writ of certiorari contains approximately 7500 words, excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 10, 2025.

Shahram Shakouri