Exhibit – 'A'

Appendix -A

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

April 28, 2025

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 25-50205 Shakouri v. Becker
USDC No. 1:23-CV-1479

The court has denied the motion to extend time to pay fee in this case.

Sincerely,

LYLE W. CAYCE, Clerk

Lisa E. Ferrara

By: _____
Lisa E. Ferrara, Deputy Clerk
504-310-7675

Mr. Shahram Shakouri

Appendix-A

United States Court of Appeals for the Fifth Circuit

A True Copy
Certified order issued Jun 25, 2025
Lyle W. Cayce
Clerk, U.S. Court of Appeals, Fifth Circuit

No. 25-50205

United States Court of Appeals
Fifth Circuit
FILED
June 25, 2025
Lyle W. Cayce
Clerk

SHAHRAM SHAKOURI,

Plaintiff—Appellant,

versus

SCOTT BECKER, *Habeas Judge*; JOHN ROLATER, *Assistant District Attorney*; JENNIFER EDGEWORTH, *Habeas Judge*; AMY MURPHY, *District Attorney's Office*; SHARON KELLER, *Presiding Judge*; MARY LUE KEEL, *Judge*; BERT RICHARDSON, *Judge*; KEVIN YEARLY, *Judge*; SCOTT WALKER, *Judge*; JESSE F. MCCLURE, *Judge*; BARBARA P. HARVEY, *Judge*; MICHELLE SLAUGHTER, *Judge*; DAVID NEWMAN, *Judge*,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:23-CV-1479

CLERK'S OFFICE:

Under 5TH CIR. R.42.3, the appeal is dismissed as of June 25, 2025, for want of prosecution. The Appellant failed to timely pay the fee.

LYLE W. CAYCE
Clerk of the United States Court
of Appeals for the Fifth Circuit

No. 25-50205

Appendix - A

Lisa E. Ferrara

By: _____
Lisa E. Ferrara, Deputy Clerk

ENTERED AT THE DIRECTION OF THE COURT

Exhibit – 'B'

Appendix-B

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

SHAHRAM SHAKOURI,	§	
PLAINTIFF,	§	
	§	
V.	§	**A-23-CV-1479-RP**
	§	
SHARON KELLER,	§	
et al.,	§	
DEFENDANTS.	§	

FINAL JUDGMENT

Before the Court is the above-entitled cause. Upon review of the entire case file and this Court's order which dismissed Plaintiff's complaint, the Court renders the following Final Judgment pursuant to Federal Rule of Civil Procedure 58.

It is therefore **ORDERED** that Plaintiff Shakouri's complaint it **DISMISSED WITHOUT PREJUDICE** for want of jurisdiction pursuant to 28 U.S.C. § 1915A.

It is finally **ORDERED** that this case is **CLOSED**.

SIGNED on January 28, 2025.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE

Appendix-B

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

SHAHRAM SHAKOURI,	§	
PLAINTIFF,	§	
	§	
V.	§	**A-23-CV-1479-RP**
	§	
SHARON KELLER,	§	
et al.,	§	
DEFENDANTS.	§	

ORDER

Before the Court is Plaintiff Shahram Shakouri's complaint (ECF No. 1).[1] After consideration of the complaint, it is dismissed for want of jurisdiction.

I. BACKGROUND

At the time he filed his civil-rights complaint, Shakouri was confined in the Stevenson Unit of the Texas Department of Criminal Justice - Correctional Institutions Division. Shakouri was convicted in Collin County, Texas of aggravated sexual assault and sentenced to 23 years in prison. Shakouri appealed his conviction. The Fifth Court of Appeals affirmed Shakouri's judgment. *Shakouri v. State*, No. 05-09-00158-CR, 2010 WL 3386598 (Tex. App. – Dallas Aug. 30, 2010). The Texas Court of Criminal Appeals refused Petitioner's petition for discretionary review on May 13, 2011. *Shakouri v. State*, PDR No. PD-0122-11. Petitioner subsequently filed a state application for habeas corpus relief. The Texas Court of Criminal Appeals denied it without written

[1] Shakouri paid the full filing fee for this case. Barring a showing of imminent danger of serious physical injury, Shakouri is no longer allowed to proceed without prepaying filing fees because he has accumulated at least three strikes. *See* 28 U.S.C. § 1915(g).

order based on findings of the trial court without a hearing on August 19, 2015. *Ex parte Shakouri*, No. WR-82,402-01. Shakouri also challenged his conviction in a federal habeas corpus petition. *Shakouri v. Director, TDCJ-CID*, No. 4:15cv447 (E.D. Tex.). After the trial court denied the petition, the Fifth Circuit denied Shakouri a certificate of appealability. *Shakouri v. Lumpkin*, No. 19-40699, 2021 WL 4597768 (5th Cir. May 18, 2021). The Supreme Court denied Shakouri's petition for writ of certiorari and petition for rehearing. *Shakouri v. Lumpkin*, 142 S. Ct. 606 (2021), *reh'g denied*, 142 S. Ct. 1199 (2022). Petitioner filed a subsequent state application for habeas corpus relief. The Texas Court of Appeals dismissed it as successive on July 5, 2023. *Ex parte Shakouri*, WR-82,402-02.

Plaintiff names as defendants: (1) Court of Criminal Appeals Judges Sharon Keller, Mary Lou Keel, Bert Richardson, Kevin Yeary[2], Scott Walker, Jesse F. McClure III, Barbara Hervey[3], Michelle Slaughter, and David Newell; (2) former judge of the 219th Judicial District Court of Collin County, Scott Becker; (3) presiding judge of the 219th Judicial District of Collin County, Jennifer Edgeworth; (4) former Assistant District Attorney of Collin County, John Rolater; and (5) Assistant District Attorney of Collin County, Amy Murphy.

Plaintiff maintains he is not challenging the validity of his conviction, his sentence, or its duration. He further states he is not asking the Court to review the judgment of the State courts or immediately release him into the community. Rather, he asserts he is targeting as unconstitutional

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[2] Plaintiff improperly identifies this defendant as Kevin Yearly. The Clerk of Court shall correct the spelling of the defendant's name to Yeary.

[3] Plaintiff improperly identifies this defendant as Barbara Harvey. The Clerk of Court shall correct the spelling of the defendant's name to Hervey.

the procedures employed by the defendants to deny appeals of his conviction. He seeks "prospective declaratory relief," asking the Court to "vindicate his federally protected interest."

Specifically, Shakouri seeks a declaration that:

> (1) The Court of Criminal Appeals' current system for ultimate resolution of habeas writs is a failure. It violates at least three established principles that ordinarily guide the judiciary. First, judges should abide by the terms of the constitutions and law as written, but the current system does not do that. Second, judges should not delegate judicial discretionary decisions to staff members. Third, each judge must individually decide each case that results in a final decision so that the denial of habeas relief stems from a determination by a quorum of judges and not via a proxy vote by a single judge.
>
> (2) The delegation of judicial discretionary decision to the staff members by the C.C.A., including the resolution of Plaintiff's habeas applications, has violated and continues to violate, his substantial right under the Due Process Clause of the Fourteenth Amendment.
>
> (3) The uneven application of the Court's 'standing internal order' deciding the outcome of habeas corpus applications for some applicants by a quorum of judges on the Court, and determining the outcome of the majority of the applications, including Plaintiff's by the vote of a single judge acting as proxy for the Court violated and continues to violate Plaintiff's rights under the Equal Protection Clause of the Fourteenth Amendment.
>
> (4) The Austin Defendants' enforcement of their 'internal standing order' is violating State and Federal Laws. Accordingly, Plaintiff's request for a declaratory judgment prohibiting the enforcement of the Court's 'internal standing order' in determining the outcome of his future appeals is reasonable.
>
> (5) The acceptance of the Appellate Court's mandate by the Austin Defendants, where the Appellate Court lacked subject matter jurisdiction to issue the mandate, has violated and continues to violate Plaintiff's procedural due process rights.
>
> (6) The County Defendants' (John Rolater and Scott Becker) introduction into evidence out-of-court affidavits, with no prior opportunity for confrontation and cross-examination of the new witnesses, held to violate Plaintiff's constitutional rights under the Sixth and Fourteenth Amendments to any appeal of his conviction in the future.
>
> (7) The habeas judge, Scott Becker's unlawful practice of allowing the Asst. Dist. Attorney, John Rolater, to appoint himself as the interpreter, for the State's non-

native English speaker affiants, and to introduce into evidence affidavits he manufactured on their behalf, where no competent translator was involved held to violate Plaintiff's federally protected procedural due process rights.

(8) The County Defendants, Amy Murphy, and Jennifer Edgeworth, retainment of out-of-court affidavits in Plaintiff's appellate record constitute an ongoing injury and an impediment to a prospective relief from his conviction. Accordingly, Plaintiff's request to expunge the affidavits of Sam Owen, Deanna Tabb, Christopher Fredericks, Afseneh Marous, and Soheil Roshani is reasonable.

(9) Finally, to completely redress the injury suffered, Plaintiff prays that this Court would recommend that he be afforded an out-of-time appeal, or a properly conducted habeas review in conformity with the clearly established federal law.

II. LEGAL STANDARDS

A. 28 U.S.C. § 1915A

Although Shakouri paid the full filing fee for this case, his claims are subject to screening pursuant to 28 U.S.C. § 1915A. On review, the court must dismiss the complaint, or any portion of the complaint, if the complaint is frivolous, malicious, or fails to state a claim upon which relief may be granted or seeks monetary relief from a defendant who is immune from such relief. *See Martin v. Scott*, 156 F.3d 578 (5th Cir. 1998).

When reviewing a plaintiff's complaint, the court must construe plaintiff's allegations as liberally as possible. *Haines v. Kerner*, 404 U.S. 519 (1972). However, the plaintiff's pro se status does not offer him "an impenetrable shield, for one acting pro se has no license to harass others, clog the judicial machinery with meritless litigation and abuse already overloaded court dockets." *Farguson v. MBank Houston, N.A.*, 808 F.2d 358, 359 (5th Cir. 1986).

B. Jurisdiction

Federal district courts are courts of limited jurisdiction and may only exercise such jurisdiction as is expressly conferred by the Constitution and federal statutes. *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). A federal court properly dismisses a case for lack of subject-matter jurisdiction when it lacks the statutory or constitutional power to adjudicate the case. *Home Builders Ass'n of Miss., Inc. v. City of Madison, Miss.*, 143 F.3d 1006, 1010 (5th Cir. 1998).

III. ANALYSIS

A. *Rooker-Feldman* Doctrine[4]

Rooker-Feldman precludes lower federal courts from exercising "appellate jurisdiction over final state-court judgments." *Miller v. Dunn*, 35 F.4th 1007, 1010 (5th Cir. 2022) (quotation omitted). Under the *Rooker-Feldman* doctrine, federal district courts lack subject matter jurisdiction to consider cases where: (1) the federal court plaintiff lost in state court; (2) the plaintiff's alleged injuries were caused by the state court judgment; (3) plaintiff's claims invite the federal court to review and reject the state court judgment; and (4) the state court judgment was rendered before plaintiff filed proceedings in federal district court. *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 291 (2005). "[I]n addition to the precise claims presented to the state court, *Rooker-Feldman* prohibits federal court review of claims that are 'inextricably intertwined' with a state court decision." *Burciaga v. Deutsche Bank Nat'l Trust Co.*, 871 F.3d 380, 384-85 (5th Cir. 2017) (citation omitted). The Fifth Circuit has previously held that "issues are 'inextricably

[4] *See D.C. Ct. of Appeals v. Feldman*, 460 U.S. 462 (1983); *Rooker v. Fid. Tr. Co.*, 263 U.S. 413 (1923).

intertwined' when a plaintiff casts a complaint in the form of a civil rights action simply to circumvent the *Rooker-Feldman* rule." *Richard v. Hoechst Celanese Chem. Grp., Inc.*, 355 F.3d 345, 351 (5th Cir. 2003) (citing *Liedtke v. State Bar of Tex.*, 18 F.3d 315, 317 (5th Cir. 1994)).

Shakouri argues *Rooker-Feldman* doctrine does not prohibit this Court from vindicating Plaintiff's federally protected rights. He asserts he raises a procedural due process challenge to the process governing Texas' direct review and questions the constitutionality of the state habeas review process. He states he seeks "prospective relief in form of a properly conducted post-conviction proceeding in the future." He admits success in this case means at most an out-of-time direct appeal or a properly conducted state habeas review.

Though Shakouri contends that he is not challenging the propriety of the state court decisions, the basis for his assertions requires a review of the propriety of those decisions. Because he has not shown that the state decisions were void, the Rooker-Feldman doctrine bars review of his claims directed at those state decisions. *See Norman v. U.S. Atty. Gen. for W. Dist. of Tex.*, No. 23-50360, 2024 WL 64769 (5th Cir. Jan. 5, 2024) (citing *United States v. Shepherd*, 23 F.3d 923, 925 & n.5 (5th Cir. 1994)).

B. Mandamus

In addition, Shakouri's requests for relief are construed as requests for mandamus relief. *Id.* at *2 (holding district court appropriately construed request to stop defendants from violating federal criminal laws and to compel them to perform certain non-discretionary acts as seeking mandamus relief). "The common-law writ of mandamus, as codified in 28 U.S.C. § 1361, is intended to provide a remedy for a plaintiff only if he has exhausted all other avenues of relief and only if the defendant owes him a clear nondiscretionary duty." *Heckler v. Ringer*, 466 U.S. 602, 616 (1984).

Section 1361 provides that "[t]he district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff." Federal courts lack "the general power to issue writs of mandamus to direct state courts and their judicial officers in the performance of their duties where mandamus is the only relief sought." *Moye v. Clerk, Dekalb County Sup. Ct.*, 474 F.2d 1275, 1275–76 (5th Cir. 1973).

Defendants are not officers or employees of the United States or any federal agency. Consequently, this Court is without power to order them to take particular action with regard to Shakouri's requests. As such, Shakouri's requests for mandamus relief are frivolous. *See Santee v. Quinlan*, 115 F.3d 355, 357 (5th Cir. 1997) (affirming dismissal of petition for writ of mandamus as frivolous because federal courts lack power to mandamus state courts in the performance of their duties).

IV. CONCLUSION

Shakouri's claims are barred by the *Rooker-Feldman* doctrine. In addition, his requests for relief are construed as requests for mandamus relief, which are frivolous because the defendants are not federal actors.

It is therefore **ORDERED** that Plaintiff Shakouri's complaint it **DISMISSED WITHOUT PREJUDICE** for want of jurisdiction pursuant to 28 U.S.C. § 1915A.

It is further **ORDERED** that any and all pending motions are **DISMISSED AS MOOT**.

SIGNED on January 28, 2025.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE

Exhibit – 'C'

Additional material from this filing is available in the Clerk's Office.