

25-5822  
Case Number

ORIGINAL

THE UNITED STATES SUPREME COURT

ADEDAYO ABIOYE,

Petitioner,

vs.

RAYMOND OCTAVUS LEE,

Respondent.

Supreme Court, U.S.  
FILED

SEP 16 2025

OFFICE OF THE CLERK

On Petition for Writ of Certiorari to  
the California Supreme Court

**PETITION FOR A WRIT OF CERTIORARI**

Petitioner:  
ADEDAYO ABIOYE  
Self-Represented

ADEDAYO ABIOYE  
2147 Lighthouse circle  
Tracy CA 95304  
Tel: 510-461-9509  
Email: Dabioye90@gmail.com

Petition for Writ of Certiorari

## I. Questions Presented

Federal statute of the United States Code - 18 U.S.C. § 1014, prohibits making a “false statement” for the purpose of influencing certain small business investment corporations, financial institutions, any person or entity that makes in whole or in part a federally related mortgage loan as defined in section 3 of the Real Estate Settlement Procedures Act of 1974. This case presents the following questions:

- 1) Is it legal for a fiduciary to retroactively claim that a gift is a conditional gift?
- 2) Is it legal for a fiduciary to conceal profits and costs to claim that a conditional gift is a loan?
- 3) Will the courts allow a fiduciary to illegally violate and circumvent the statute of frauds to extortionately make a claim and enforce a sham loan agreement to charge interest and withhold earned profits/funds that rightfully belong to people/entities that the fiduciary is meant to care for?
- 4) Can a person/entity be held accountable for his/her/it's false and misleading statements that have caused damages and have established a precedent that influences others and causes limitless damages to other victims?

## II. Related Proceedings

- 1) Alameda County Superior Court, California: Moses Abioye vs. Adedayo Abioye, docket #: RG20078149 (March 25<sup>th</sup>, 2022)
- 2) Alameda County Superior Court, California: Adedayo Abioye vs. Raymond Octavus Lee, docket #: 23CV037590 (May 14<sup>th</sup>, 2025)
- 3) First District Court of Appeals, California: Adedayo Abioye vs. Raymond Octavus Lee, docket #: A173458 (July 18<sup>th</sup>, 2025)
- 4) California Supreme Court: Adedayo Abioye vs. Raymond Octavus Lee, docket #: S292059 (August 27<sup>th</sup>, 2025)

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#### IV. Table of Authorities

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##### Statutes

- 1) 28 U.S.C. § 1257
- 2) United States Constitution, Amendment V
- 3) United States Constitution, Amendment XIV
- 4) Federal Rule of Civil Procedure 1

**In the United States Supreme Court**

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**ADEDAYO ABIOYE**

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**ON PETITION FOR A WRIT OF CERTIORARI  
TO THE CALIFORNIA SUPREME COURT**

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**V. PETITION FOR WRIT OF CERTIORARI**

I, Adedayo Abioye, respectfully petition for a writ of certiorari to review the order/judgment of the California Supreme Court and California First District Court of Appeal.

**VI. Opinions Below**

The August 27<sup>th</sup>, 2025 decision by the California Supreme Court denying my petition for review is attached as Appendix ("App"), page 1a. The California First District Court of Appeals denied my application for a direct appeal and my petition for rehearing on July 18<sup>th</sup>, 2025. That order is attached at App. p. 2a.

**Petition for Writ of Certiorari**

## VII. Jurisdiction

My petition for review to the California Supreme Court was denied on August 27, 2025. I invoke this Court's jurisdiction under 28 U.S.C. § 1257, having timely filed this petition for a writ of certiorari within ninety days of the California Supreme Court's judgment.

## VIII. Constitutional Provisions Involved

United States Constitution, Amendment V:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be put twice in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

United States Constitution, Amendment XIV:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges



or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

#### IX. Statement of the Case

In May of 2015, Respondent Raymond Octavus Lee and Shanna Lee aka Shanna Sullivan deposited a gift of funds ‘FBO’ Adedayo Abioye (\$180,000) into escrow [for the purchase of 4059 Allendale Avenue, Oakland CA 94619] (App. p. 25a) as a result of mediation and negotiations concerning the defendants’ unlawful breaches of fiduciary duties and personal injury torts involving causes of action with no applicable statutes of limitations and/or tolled statutes of limitations.

In October of 2019, Raymond Octavus Lee went to my property, while I was not present and without my prior knowledge or consent, and illegally obtained a signature, on a joint venture agreement that the respondent illegally referred to as a loan “loan agreement” [hereinafter referred to as the “sham loan agreement”] (App. p. 26a). The signature was forcefully obtained by respondent Lee from my relative with the respondent’s use of coercion, fraudulent extortion, financial elder abuse, slander, etc. I was made aware of this

incident with my receipt of an email sent from Raymond Octavus Lee to me on October 5<sup>th</sup> of 2020. The email contained the alleged Loan Agreement (dated 12/10/15) and Loan Agreement Addendum [dated October 29, 2019] (App. p. 27a), that were both unknown to me until 10/5/2020. The email of 10/5/2020 was sent from Raymond Lee during his attempts at communicating payoff demands that I denied and did not agree with. The signature that was illegally obtained, was not mine and was signed under duress on a document that Raymond Octavus Lee referred to as a Loan Agreement Addendum. My relative was under duress and was not given a copy of the document that was signed, until October 5<sup>th</sup> of 2020. This duress is evidenced with a sworn declaration that was filed in the trial court (App. p. 28a). This incident documented the defendants' fraudulent extortion scheme that was unbeknownst to me until October 5<sup>th</sup> of 2020.

While acting as a fiduciary, the respondent conspired and engaged in a fraudulent extortion scheme in which he misrepresented the \$180,000 of gifted funds, as a loan. The respondent's conduct included slanderous, fraudulent, and extortionate statements - disseminated to third parties and my business associates to intentionally interfere with my business relations and intentionally inflict emotional distress

while fraudulently concealing the respondent's unlawful conduct. The respondent's conduct was the cause of pecuniary and non-pecuniary damages to me, including the value of my assets (worth approximately \$2,050,000). The fraudulently extortionate and slanderous statements were made by the respondent on dates which include 2/19/2020, 6/19/2020, 11/27/2020, 1/27/2022, 1/28/2022, 4/7/2023, etc. The respondent's conduct also includes extortionate threats to sue me and my relative for alleged mortgage fraud in attempts to enforce the scheme.

In October of 2020, litigation regarding the issues commenced with a lawsuit filed, in Alameda County Superior Court - case RG20078149, under duress by my relative and supplemented with a countersuit filed by me against Raymond Octavus Lee. A favorable interlocutory judgment for Slander was determined for me by Judge Jeffrey Brand around 3/25/2022 (App. p. 10a). My slander claims against respondent Lee were equitably tolled with mediation and a court order, from Justice Jeffrey Brand, that granted leave to re-file the Slander cause of action by June 28<sup>th</sup> of 2023 (App. p. 20a-24a). I complied.

In the instant trial court case 23CV037590, the trial court erroneously dismissed my case under pretenses that falsely claimed that a statute of limitations applied to this case. The trial court erred when it stated that the slander complaint of case 23CV037590 was barred by a statute of limitations because the trial court granted leave to file a slander complaint with the deadline of 6/28/2023. I complied. The slander complaint was filed on 6/28/2023. The slander complaint filed on 6/28/2023 was rejected by a court clerk because it was not signed. My slander complaint was subsequently re-filed on the same day that the rejection letter was produced - 7/3/2023. Federal law does not allow clerks to refuse to file complaints based on alleged violations of local rules. For example, in *Loya v. Desert Sands Unified School District* (9th Cir.1983) 721 F.2d 279, a teacher sought to file a Title VII complaint in the Central District on thirteen-inch-long paper. Although the thirteen-inch paper met the requirements in three of California's four Federal districts, including the district in which plaintiff's counsel lived, the Central District had adopted a local rule requiring eleven-inch paper, the clerk rejected the complaint for that reason, and the limitations period lapsed before the complaint could be re-typed and presented again for filing.

The District Court consequently dismissed the complaint as untimely. The Ninth Circuit reversed, stating that “[t]o uphold the clerk's rejection of [the complaint] would elevate to the status of a jurisdictional requirement a local rule designed merely for the convenience of the court's own record keeping.” (Id., at p. 280). The court referenced Federal Rule of Civil Procedure 1, which required that the rules “‘shall be construed to secure the just, speedy, and inexpensive determination of every action,’” and quoted the words of Judge Wisdom who, in deciding a similar case for the Fifth Circuit, stated “‘the force of this first and greatest of the Rules should not be blunted by district courts exaggerating the importance of local rules through inappropriate, over-rigorous sanctions’” [Id. at p. 281, quoting from *Woodham v. American Cystoscope Co.* (5th Cir.1964) 335 F.2d 551, 557]. The Ninth Circuit thus concluded: “We therefore hold that for purposes of the statute of limitations the district court should regard as ‘filed’ a complaint which arrives in the custody of the clerk within the statutory period but fails to conform with formal requirements in local rules. This result is wholly consistent with holdings of this and other courts that a clerk's refusal to ‘file’ a complaint should not be controlling for purposes of

the statute of limitations. Thus, in *Leggett v. Strickland*, 640 F.2d 774 (5th Cir.1981), the court stated that the standard for ‘filing’ should be whether the complaint ‘was ever in the actual or constructive possession of the clerk,’ *id.* at 776.

#### X. CONCLUSION (REASONS TO GRANT THE WRIT)

This case and its appeal are filed with merit and with good faith. For the foregoing reasons, I respectfully request that this Court issue a writ of certiorari to review the judgment of the California Supreme Court. For the foregoing reasons, the court should allow the writ. The court should also allow the writ because the court should not allow a fiduciary to illegally violate and circumvent the statute of frauds to extortionately make a claim and enforce a sham loan agreement to charge interest and withhold earned profits and funds that rightfully belong to people/entities that the fiduciary is meant to care for. The court should also allow the writ because a person/entity should be held accountable for his/her/it’s false and misleading statements that have caused damages to me and attempts to establish a precedent that influences others and causes limitless damages to other victims [Rule 10 and 14.1(h)].

Respectfully submitted,

*Dayo Abioye*

Dated: 10/3/2025

(PETITIONER: ADEDAYO ABIOYE)

Petition for Writ of Certiorari