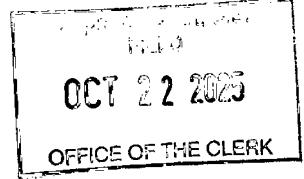


25-6112

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES



LUKE MASOOD ARABZADEGAN — PETITIONER
(Your Name)

VS.

GREG ABBOTT, et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS, 05TH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Luke Masood Arabzadegan/#:1316202
(Your Name)

W. F. Ramsey-I Unit; 1100 FM 655
(Address)

Rosharon, TX. 77583
(City, State, Zip Code)

N/A
(Phone Number)



QUESTION(S) PRESENTED

1. HAS THE 05TH CIRCUIT COURT OF APPEALS ALLEGEDLY ABUSED THEIR DISCRETION, BY DEMANDING PETITIONER PAY THE PRISON LITIGATION REFORM ACT'S FILING FEE, FOR PETITIONER'S UNDERLYING CRIMINAL CASE?
2. DID THE DISTRICT CLERK'S OFFICE OF TRAVIS COUNTY, TEXAS, ALLEGEDLY ABUSE THEIR DISCRETION, BY REFUSING TO FILE PETITIONER'S DOCUMENTS WHICH WERE RELEVANT TO HIS CRIMINAL CASE?

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:

Greg Abbott, Texas Governor
Ken Paxton, Texas Attorney General
The State of Texas

RELATED CASES

State of Texas vs. Arabzadegan, Nos.D-1-DC-2002-500454 & D-1-DC-2005-904029, 403rd Judicial District Court of Travis County, Texas. Judgment entered June 30, 2005.

In re Arabzadegan, No.:03-24-00244-CV, Court of Appeals for the Third District of Texas. Judgment entered May 02, 2024.

In re Arabzadegan, No.:03-24-00244-CV, Court of Appeals for the Third District of Texas. Judgment entered June 20, 2024.

Ex parte Arabzadegan, No.:WR-76, 971-05, Court of Criminal Appeals of Texas. Judgment entered Oct. 23, 2024.

Arabzadegan vs. State of Texas, USDC No.:1:25-CV-481, U.S. District Court for the Western District of Texas. Judgment entered Apr. 24, 2025.

Arabzadegan vs. State of Texas, No.:25-50323, U.S. Court of Appeals for the Fifth Circuit. Judgment entered Aug. 15, 2025.

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OTHER

N/A

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 F to the petition and is

reported at 2025 U.S. App. LEXIS 20877; 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 E to the petition and is

reported at 2025 U.S. Dist. LEXIS 86193; 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 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 Texas 03rd District Appellate court appears at Appendix C& D to the petition and is

reported at 2024 Tex. App. LEXIS 3048; 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 August 15, 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

United States Constitution

5th Amendment	11, 13
6th Amendment	11, 13
14th Amendment	11, 13

United States Codes

28 U.S.C. §1254(1)	2
28 U.S.C. §1915(b)	9, 10
28 U.S.C. §1915(g)	6, 9, 11

STATEMENT OF THE CASE

On June 30, 2005, Petitioner was convicted by the Travis County, Texas 403rd Judicial Criminal District Court of Murder, and sentenced to 45-years in the Texas Department of Criminal Justice-Institutional Division. See Travis County Cause Nos.: D-1-DC-2002-500454 & D-1-DC-2005-904029 (hereinafter "TCCN#1") & Appendix-B. On November 06, 2023, Petitioner mailed the Travis County District Clerk (hereinafter "TCDC"), a motion for discovery (of Brady vs. Maryland, 373 U.S. 83 (1963) material); notice of appeal; & affidavit of indigency for notice of appeal relevant to his underlying criminal conviction. See TCCN#1. On March 29, 2024, Petitioner mailed the Texas 03rd Court of Appeals District (hereinafter "03rd CAD"), a motion for leave to file an application for writ of mandamus & Relator's original application for writ of mandamus. See 03rd CAD Cause No.: 03-24-00244-CV (hereinafter "03rd CAD#1"). On May 02, 2024, the 03rd CAD denied Petitioner's mandamus. See 03rd CAD#1 & Appendix-C. On May 15, 2024, Petitioner mailed the 03rd CAD a motion for reconsideration. See 03rd CAD#1. Also on May 15, 2024, Petitioner wrote the Texas State Law Library for proof of his November 06, 2023 mailing to the TCDC; the law library was unhelpful; Petitioner requested said proof of mailing from the Texas Department of Criminal Justice-Institutional Division pursuant to Texas Government Code (hereinafter "TGC"), §552.028(b); prison staff denied Petitioner access to said proof pursuant to TGC, §552.028(a); & Petitioner sent the

STATEMENT OF THE CASE

Texas Court of Criminal Appeals (hereinafter "TCCA"), notice of his plight regarding acquisitions of said proof of mailing (see TCCA No.: WR-76, 971-05 (hereinafter "TCCA#1")). On June 26, 2024, Petitioner received the 03rd CAD's June 20, 2024 notice they denied Petitioner's motion for reconsideration. See 03rd CAD#1 & Appendix-D. On July 01, 2024, Petitioner mailed TCDC a 2nd motion for discovery; notice of appeal; & affidavit of indigency for notice of appeal CMRRR (see CMRRR No.: 9590-9402-6960-1225-2455-69), and he also mailed a copy of the foregoing documents to Mr. Willie Fabila, III, Petitioner's Private Investigator, (512) 431-3969. See TCCN#1. On July 29, 2024, Petitioner sent the 03rd CAD notice he remailed his foregoing motion for discovery, etc., to the TCDC. See 03rd CAD#1. On August 09, 2024, Petitioner sent the TCCA notice the TCDC was not communicating with him. See TCCA#1. On August 28, 2024, Petitioner received the TCCA's August 19, 2024 notice his motion for leave to file a writ of mandamus, and mandamus were filed with the TCCA. See TCCA#1. On October 08, 2024, Petitioner mailed the TCCA evidence in support of mandamus relief (namely: the foregoing July 01, 2024 domestic return receipt). See TCCA#1. On November 05, 2024, Petitioner received the TCCA's October 23, 2024 notice his mandamus was denied. See TCCA#1. & Appendix-A. On February 25, 2025, the TCCA filed Petitioner's February 18, 2025 letter and 3rd motion for discovery to the TCDC in the court's record. See

STATEMENT OF THE CASE

TCCA#1. On March 21, 2025, Petitioner received notice from the TCCA his February 18, 2025 letter &3rd motion for discovery were placed in the court's record February 25, 2025. See TCCA#1. On March 24, 2025, Petitioner mailed the United States District Court, for the Western District [REDACTED] of Texas -Austin Division (hereinafter "District Court"), a letter relevant to compelling the TCDC to properly file his discovery motion, etc. See District Court Case No.: A-25-00481-RP (hereinafter "USDC#1"). On April 08, 2025, Petitioner received the District Court's April 01, 2025 order of dismissal concerning his March 24, 2025 letter. See USDC#1 &Appendix-E. On April 10, 2025, Petitioner mailed the District Court a request for judicial notice and response. See USDC#1. On April 14, 2025, Petitioner timely mailed the District Court a notice of appeal, and affidavit of indigency for notice of appeal. See USDC#1. On April 24, 2025, Petitioner mailed the District Court a motion for new trial; motion for appointment of counsel; &motion to compel for statement of facts. See USDC#1. On April 25, 2025, Petitioner received the District Court's April 21, 2025 denial of his requested judicial notice and response. See USDC#1. On April 29, 2025, Petitioner received the District Court's April 24, 2025 denial of in forma pauperis for his appeal pursuant to 28 U.S.C. §1915(g). See USDC#1. On May 15, 2025, Petitioner mailed the District Court a motion for leave to proceed in forma pauperis on appeal, and brief in support of

STATEMENT OF THE CASE

motion to proceed in forma pauperis on appeal. See USDC#1.

Also on May 15, 2025, Petitioner received the 05th Circuit Court of Appeals (hereinafter "CA5"), May 09, 2025 no action ruling on his motion for new trial and motion to compel for statement of facts, yet filed his motion for appointment of counsel. See CA5 Case No.:25-50323 (hereinafter "CA5#1").

On May 20, 2025, Petitioner mailed the CA5 a motion for reconsideration of Petitioner's motion for new trial and no action ruling. See CA5#1. On June 17, 2025, Petitioner received the CA5's June 13, 2025 notice the CA5 was taking no action on Petitioner's motion to proceed in forma pauperis on appeal and brief in support, as Petitioner has 3-strikes, and must pay the court's \$605.00 filing fee within 15-days of the court's June 13, 2025 notice. See CA5#1. Also on June 17, 2025, Petitioner received the CA5's June 13, 2025 notice the court was taking no-action on his motion for reconsideration of his motion for new trial, as the time to file for reconsideration had expired. See CA5#1. On June 18, 2025, Petitioner mailed the CA5 an objection relevant to the denial of in forma pauperis on appeal, and an objection relevant to no action taken on his motion for reconsideration of motion for new trial. See CA5#1. On June 19, 2025, Petitioner mailed the CA5 an objection relevant to no action taken on motion for reconsideration of motion for new trial. See CA5#1. On July 21, 2025, Petitioner received the CA5's July 11, 2025 notice no action would be taken on his objection

STATEMENT OF THE CASE

relevant to in forma pauperis, as no payment had been received. See CA5#1. On July 23, 2025, Petitioner mailed the CA5 an objection relevant to July 11, 2025 no action ruling. See CA5#1. On July 28, 2025, Petitioner received the CA5's July 18, 2025 notice no action would be taken on his objection relevant to no action taken on motion for reconsideration of motion for new trial, but would be considered timely if the court's filing fee was paid. See CA5#1. On July 30, 2025, Petitioner mailed the CA5 an objection relevant to July 18, 2025 no action ruling. See CA5#1. On August 21, 2025, Petitioner received the CA5's August 15, 2025 no action ruling on his July 11 & 18, 2025 objections to no action rulings, as his case is closed. See CA5#1. Also on August 21, 2025, Petitioner received the CA5's August 15, 2025 judgment as the mandate which dismissed his appeal for want of prosecution due to failure to pay the filing fee. See CA5#1 & Appendix-F. On October 22, 2025, Petitioner timely mailed this Court a petition for writ of certiorari, and motion for leave to proceed in forma pauperis.

REASONS FOR GRANTING THE PETITION

1. HAS THE 05TH CIRCUIT COURT OF APPEALS ALLEGEDLY ABUSED THEIR DISCRETION BY DEMANDING PETITIONER PAY THE PRISON LITIGATION REFORM ACT'S FILING FEE, FOR PETITIONER'S UNDERLYING CRIMINAL CASE?

Petitioner forwarded the TCDC documents to be filed on November 06, 2023 &July 01, 2024, relevant to discovery of Brady vs. Maryland, 373 U.S. 83(1963) material for his underlying criminal case. See "Statement of the Case" (hereinafter "Statement"). On February 25, 2025, the TCCA received Petitioner's 3rd motion for discovery; filed said document in the court's record; &Petitioner respectfully requested the State's highest criminal court (TCCA), compel the TCDC to perform their ministerial duty and file the foregoing documents relevant to Petitioner's underlying criminal case. See "Statement." Petitioner is of the belief that on March 29, 2024 &August 28, 2024, when Petitioner filed writs of mandamus with the 03rd CAD and TCCA respectively, the lower Federal courts erroneously labeled Petitioner's case a civil one, and pursuant to 28 U.S.C. § 1915(b), demanded Petitioner pay the court's filing fees. See "Statement." The lower Federal court's also denied Petitioner in forma pauperis on appeal, pursuant to 28 U.S.C. §1915(g). See "Statement" &In re Grant, 635 F.3d 1227,1232 (D.C. Cir. 2011) ("28 U.S.C. §1915(b) applies [only] to... an underlying civil case"). On July 18, 2025, CA5 acknowledged Petitioner's motion for new trial and other documents were timely, yet barred Petitioner from redress due to not paying the court's filing fee. See "Statement."

REASONS FOR GRANTING THE PETITION

Petitioner asserts the following facts as evidence in support of his claim:

1. On November 06, 2023, Petitioner mailed the TCDC a motion for discovery (of Brady vs. Maryland, 373 U.S.83 (1963) "material"), notice of appeal, & affidavit of indigency for notice of appeal relevant to his underlying criminal case. See "Statement." Pursuant to United States Supreme Court (hereinafter "USCT"), R.29.2, Federal Rules of Appellate Procedure (hereinafter "FRAP"), R.25(a)(2)(A)(iii), & Texas Rules of Civil Procedure (hereinafter "TRCVP"), R.5, Petitioner's documents are timely filed per the "Mailbox Rule.";
2. On March 29, 2024, Petitioner mailed the 03rd CAD a motion for leave to file an application for writ of mandamus & Relator's original application for writ of mandamus relevant to Petitioner's foregoing documents to the TCDC. See "Statement.";
3. On May 15, 2024, Petitioner wrote the Texas State Law Library for proof of his November 06, 2023 mailing to the TCDC, the law library proved unhelpful, Petitioner requested said proof of mailing from TDCJ-ID pursuant to Texas Government Code (hereinafter "TGC"), §552.028(b), prison staff denied Petitioner's access to said proof pursuant to TGC, §552.028(a), & Petitioner sent the TCCA notice of his plight regarding acquisition of said proof of mailing (see TCCA#1).;
4. On July 01, 2024, Petitioner mailed the TCDC a 2nd motion for discovery, notice of appeal, & affidavit of indigency for notice of appeal CMRRR (see CMRRR No.: 9590-9402-6960-1225-2455-69), and Petitioner also mailed Mr. Willie Fabila, III, Petitioner's Private Investigator, a copy of the foregoing documents. See "Statement.";
5. On July 29, 2024, Petitioner sent the 03rd CAD notice he remailed his motion for discovery, etc., to the TCDC CMRRR. See "Statement.";
6. On August 28, 2024, Petitioner received the TCCA's August 19, 2024 notice his motion for leave to file a writ of mandamus, and mandamus were filed with the TCCA. See "Statement.";
7. On February 25, 2025, the TCCA filed Petitioner's February 18, 2025 letter and 3rd motion for discovery to the TCDC in the court's record. See "Statement.";
8. On April 10, 2025, Petitioner mailed the District Court a request for judicial notice & response relevant to showing the court the Prison Litigation Reform Act's (28 U.S.C§1915(b)) filing fee mandate was inapplicable to Petitioner's underlying criminal case. See "Statement."

REASONS FOR GRANTING THE PETITION

9. On June 18, 2025, Petitioner mailed the CA5 an objection relevant to in forma pauperis status on appeal to bring to the court's attention 28 U.S.C. § 1915(q) did not apply to him, as his matter before the court relates to his underlying criminal case. See "Statement."; &
10. On June 23 &30, 2025, Petitioner mailed the CA5 two objections to convince the court his case pertained to an underlying criminal conviction. See "Statement."

Petitioner is of the belief the Honorable CA5 Judges' have allegedly committed plain error, by demanding Petitioner pay the court's filing fee, and allegedly abused their discretion. The plain error doctrine states, "(1) the error was not 'intentionally relinquished or abandoned,' (2) the error is plain, and (3) the error 'affected the [Petitioner's] substantial rights.'" Molina-Martinez vs. United States, 578 U.S. 189, 194(2016). Petitioner asserts his motion for discovery is relevant to the discovery of Brady vs. Maryland, 373 U.S. 83(1963) exculpatory material evidence which proves his actual innocence (see Sawyer vs. Whitley, 505 U.S. 333, 339-340(1992)); said evidence is requested to be forwarded to Mr. Willie Fabilia, III, Petitioner's Private Investigator; and Petitioner is of the belief the lower federal and state courts' impeding Petitioner's efforts to attain said evidence violates his substantial Federal Constitutional rights. See United States Constitution (hereinafter "USC"), 5th, 6th, & 14th Amendments (hereinafter "Amds."). "Once these three conditions have been met, [this Court could] exercise its discretion to correct... the error [if it] 'seriously affects the fairness, integrity, or public reputation of judicial

REASONS FOR GRANTING THE PETITION

proceedings.'" United States vs. Olano, 507 U.S. 725, 736 (1993). Petitioner seeks the foregoing evidence to avoid, "a fundamental miscarriage of justice." Coleman vs. Thompson, 501 U.S. 722, 750(1991). Therefore, Petitioner respectfully requests this Court review the Honorable CA5 Judges' ruling for an abuse of discretion, and grant Petitioner all relevant redress, in the interests of justice.

2. DID THE DISTRICT CLERK'S OFFICE OF TRAVIS COUNTY, TEXAS, ALLEGEDLY ABUSE THEIR DISCRETION, BY REFUSING TO FILE PETITIONER'S DOCUMENTS WHICH WERE RELEVANT TO HIS CRIMINAL CASE?

Petitioner is of the belief he is actually innocent, and the exculpatory material evidence he seeks is in the possession of various Travis County, Texas, departments, located within 100-miles of Austin, Texas. Petitioner is also of the belief that alternate perpetrator(s) are the one(s) responsible for the Murder case Petitioner is incarcerated for, and the foregoing evidence would support Petitioner's claim that he has been illegally confined & convicted. Petitioner has also requested of the lower state courts' that said evidence be presented to Mr. Willie Fabila, III, Petitioner's Private Investigator.

On November 06, 2023 &July 01, 2024, Petitioner forwarded the TCDC a motion for discovery (of Brady vs. Maryland, 373 U.S. 83(1963) material), notice of appeal, &affidavit of indigency for notice of appeal relevant to his underlying criminal case. See "Statement." Petitioner is of the belief the TCDC refused to file Petitioner's documents in violation

REASONS FOR GRANTING THE PETITION

of Texas's statutory law. See TRCVP, R.24. Petitioner asserts that pursuant to the "Mailbox Rule," his documents are timely filed. See USCT, R.29.2; FRAP, R.25(a)(2)(A)(iii); &TRCVP, R.5. On February 25, 2025, the TCCA filed Petitioner's February 18, 2025 letter and 3rd motion for discovery to the TCDC in the court's record. See "Statement."

Petitioner's assertion of actual innocence is not a novel claim, as other Petitioners' have moved to acquire exculpatory material evidence post-conviction, and this Court has ruled the pursuit of said evidence is a clearly established Federal Constitutional right. See USC, 5th, 6th, &14th Amds.'; Herrera vs. Collins, 506 U.S. 521(1993); Schlup vs. Delo, 513 U.S. 298(1995); &Skinner vs Switzer, 562 U.S. 521(2011). Petitioner asserts he has a vested, "liberty interest in demonstrating [his] innocence with new evidence under state law." District Attorney's Office for Third Judicial Dist. vs. Osborne, 557 U.S. 52, 68(2009).

Therefore, Petitioner respectfully requests this Court review Petitioner's claims to determine if the TCDC violated their ministerial duty to file his documents and abused their discretion; assess if denying Petitioner access to Brady vs. Maryland, 373 U.S. 83(1963) exculpatory material evidence harmed & injured Petitioner's Federal Constitutional rights; and in the interests of justice, grant Petitioner all relevant redress. See USC, 5th, 6th, &14th Amds.'

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Luke Masood Arabzadegan/TDCJ-ID#:1316202
Pro Se Petitioner

Date: October 22, 2025