No. 25-649

IN THE

Supreme Court of the United States

Tamim Shansab,
Petitioner
v.
Nasir Shansab, Yama Shansab,
Horace Shansab, Stephen Townsend,
Respondents

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. On October 16, 2025, the United States Department of Justice disclosed its indictment of ~~previous National Security Advisor (NSA) to~~ President Donald Trump, John Bolton. The indictment discloses that the attack on petitioner was known to NSA John Bolton prior to the attack, and that the U.S. government considered the matter top secret. Can evidence just released by the United States of America, through the Justice Department, that eviscerates the opinion of the district court and it's improper affirmance by the appellate panel be grounds for reversal?

2. The appellate panel did not use the "de novo" standard of review of petitioner's amended complaint, that was wrongfully dismissed by the district court on a FRCP 12(b)(6) motion to dismiss. Did the appellate panel deviate from well settled laws, governing review of a dismissal under Rule 12(b)(6) motions to dismiss?

3. The district court intentionally misapplied Supreme Court precedents *Ashcroft v. Iqbal*, 556 U.S. 662 (2009), *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, to be able to wrongfully dismiss petitioner's *prima facie* complaint on a Rule 12(b)(6) motion to dismiss. Did the district court violate well settled laws governing Rule 12(b)(6) motions to dismiss and violate petitioner's constitutional rights to due process?

4. The district court intentionally misapplied Supreme Court precedent in *Menominee Tribe of Wis. V. United States*, 577 U.S. 250 (2016), to improperly deny tolling of the statute of limitations and to be able to wrongfully dismiss petitioner's valid reasons for the tolling of the statute of limitations on petitioner's earliest claims. Did the district court violate Supreme Court precedence to be able to wrongfully dismiss petitioner's *prima facie* amended complaint?

5. The district court intentionally misapplied Supreme Court precedence *in Havens Realty Corporation v. Coleman*, 455 U.S. 363, 102 S. Ct. 1114, 71 L. Ed. 2nd 214 (1982) when it refused to apply the "continuing violations doctrine" to petitioner's valid claims that fell well within the limitations period. Did the district court violate Supreme Court precedence to be able to wrongfully dismiss petitioner's *prima facie* amended complaint?

6. The district court intentionally removed video evidence of respondents, submitted by petitioner, from the case file and the docket of the case that completely corroborated petitioner's facts pleaded in his amended complaint. Can a district court simply remove evidence from the case file and docket of a case to be able to wrongfully dismiss a case?

PARTIES TO THE PROCEEDING

All parties to the proceeding are listed in the caption. The petitioner is Tamim Shansab. The ~~respondents are~~ Nasir ~~Shansab~~, Yama ~~Shansab~~, Horace Shansab, and Stephen Townsend.

CORPORATE DISCLOSURE STATEMENT

The petitioner has no parent corporation or ~~publicly held company that owns 10% or more of~~ its stock.

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TABLE OF AUTHORITIES

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~~JURISDICTION~~

The judgement of the court of appeals was entered on August 26, 2025.

The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

INTRODUCTION

This is a case of first impression. It involves the abuse of power by respondents in having the United States armed forces, together with Afghan forces, in an attempted murder, attack an American citizen in Afghanistan.

This case arose out respondents continuing actions in their attempts at taking petitioner's assets by force. Petitioner pleaded numerous facts in detail, with particularity, backed up by documentation.

This included submission of written and video admissions by respondents themselves, that respondents conspired to harm, injure and attempt to kill petitioner for his refusal to hand over his multi-million-dollar properties and assets to them.

Respondents' actions caused the violent attack of December 3, 2018, on petitioner, causing injuries to petitioner in the attack and during his false imprisonment. Respondents' actions caused the subsequent hostage taking and imprisonment of petitioner, the torture and mistreatment of petitioner while being held hostage. Respondents have continued their attacks against petitioner once the Taliban took over Afghanistan, that are continuing.

The district court intentionally deviated from standard judicial procedures to dismiss petitioner's complaint on a Rule 12(b)(6) motion to dismiss.

The fourth circuit panel also significantly deviated from standard judicial procedures and affirmed the district courts' dismissal without reviewing the

amended complaint "de novo", as they were required to do under the rules.

STATEMENT

A. Petitioner Tamim Shansab

Tamim Shansab is an American citizen who lives with his wife and three young children in the State of New Hampshire. Shansab was born in Afghanistan and immigrated as a child to the United States of America in the 1980's. Tamim owns valuable properties and other assets in Afghanistan.

B. Respondents Nasir Shansab, Horace Shansab, Yama Shansab and Stephen Townsend.

Nasir Shansab is the father of Tamim Shansab and he lives in Reston, Virginia. Horace Shansab is ~~Tamim Shansab's older brother who lives in~~ Sterling, Virginia. Yama Shansab is Tamim Shansab's younger brother who lives in Oakton, Virginia. Stephen Townsend is Tamim Shansab's cousin who lives in Sherman Dale, Pennsylvania.

The facts pleaded in the first part of petitioner's amended complaint ¶¶ 10-43 are factual background information, explaining petitioner's purpose for going to Afghanistan, his purchase of the property and business from respondent Nasir Shansab, his erratic behavior, and petitioner being forced to resolve many problems that respondent Nasir Shansab had created in Afghanistan.

Petitioner was forced to confront respondent Nasir Shansab about his attempted fraud against the Afghan and the American governments, involving the multi-billion-dollar Hajigak Iron Ore Mine project in Afghanistan. Petitioner told respondent Nasir Shansab that he would no longer be involved in any projects with him, nor would he fund any further projects for him.

Respondent Nasir Shansab refused to accept petitioner's decision, and decided to punish him. Respondent Nasir Shansab enlisted the help of his two sons, respondents Yama and Horace Shansab, and his nephew Stephen Townsend, in his attempts to take petitioners assets and properties for himself and the other respondents.

C. District Court Proceedings

On August 29, 2024, petitioner filed his complaint against respondents seeking relief from their wrongful conduct against him. [Dkt. No. 1].

On November 6, 2024, respondents filed a consolidated brief in support of their Joint Motions to Dismiss petitioner's complaint [Dkt. No. 9].

On November 6, 2024, the district court set a "Notice of Hearing Date for 12/06/24 [Dkt. No. 10].

On November 7, 2024, the district court sent a letter by mail, notifying petitioner of respondents' filing of their joint motions to dismiss. The district court stated the deadlines for petitioner to respond to the motions and notified petitioner that the district court had scheduled a hearing for 12/06/2024 at 10: A.M.

On November 26, 2024, petitioner timely submitted his Brief in opposition to respondents'

joint motions to dismiss. Petitioner submitted a declaration under oath. Petitioner's wife submitted a declaration under oath. Petitioner submitted an amended complaint as a matter of course, under FRCP 15(a)(1)(B) [Dkt. No. 16-17].

Respondents did not submit a reply brief to petitioner's submissions in opposition to their joint motions to dismiss.

Petitioner, together with his wife and children, travelled 600 miles from New Hampshire to Virginia to attend the hearing scheduled by the district court for the morning of December 6, 2024.

While in Virginia, late in the afternoon of December 4, 2024, petitioner received an email from the district court judges courtroom deputy, that the district court judge had cancelled the hearing scheduled for the morning of December 6, 2024 [Dkt. No. 19].

On December 6, 2024, the district court issued its order dismissing petitioner's amended complaint which was entered into the docket by the clerk of court on the same date [Dkt. No. 20-21].

Petitioner and his family arrived back home to Piermont, NH on the evening of Saturday, December 7, 2024. In his mailbox, petitioner found an envelope from the district court clerk, containing two flash drives exhibits that petitioner has attached to his declaration to the court and submitted in opposition to respondents' joint motions to dismiss. A handwritten sticky-note from some unidentified person from the clerk's office was attached to the returned exhibits, it stated:

"Hello, The court does not accept documents in this format from pro se parties. In order to submit something in any other form but paper, you must file a motion for leave of court to do so. The USB drives have been mailed back and are not included w/your latest submission. Thank you, Clerk." (See Exhibit F Video flash drive attached to petitioner's declaration to the district court, and copy of the sticky note attached from the district court attached to petitioner's appeal to the fourth circuit as Exhibit AP1.) (See App. 32a)

None of this was entered into the docket of the case. The sticky note was unsigned and an unofficial communication.

On December 31, 2024, petitioner timely filed his notice of appeal with the district court.

D. Fourth Circuit Proceedings

On February 4, 2025, petitioner timely filed his opening brief in to the court.

On February 5, 2025, the court issued a notice to petitioner to make motion for the inclusion of the USB flash drive video evidence submitted by petitioner to the court.

On February 14, 2025, respondents filed their joint response brief.

On February 20, 2025, petitioner filed his motion for leave to file USB flash drive, video evidence.

On February 27, 2025, petitioner filed his reply brief to respondents' submission.

On July 28, 2025, the court issued an unpublished per curiam opinion affirming the district courts order and entered judgement on the same date.

On August 11, 2025, petitioner submitted a petition for rehearing and rehearing *en banc.*

On August 26, 2025, the court denied the Motion for rehearing and rehearing *en banc.*

REASONS FOR GRANTING THE PETITION

For all of the following reasons, this Court should grant this petition. When lower courts significantly deviate from standard judicial procedures in ways that undermine fundamental fairness, this Court should intervene to provide guidance and ensure proper judicial administration. When lower courts misapply and misinterpret Supreme Court precedence, this Court can ensure that they follow established legal principles.

Petitioner knows the small percentage of petitions granted, but when this Court is made aware of the issues that will be presented in this petition, it should step in to make sure that the lower courts adhere to applying the law, rather than engaging in intentionally misapplying the rules and procedures, misapplying and ignoring precedents set by this Court. The district court and the appellate panel did all of this to this *pro se* litigant, in an effort to protect a retired 4-star general and for political reason.

The district court dismissed petitioner's amended complaint on a Rule 12(b)(6) motion to dismiss. It issued an opinion. (See App. 5a-15a). In its opinion, the district court stated that it did not believe it

plausible for respondents to have committed the acts pleaded by petitioner.

The district court's reasons were that respondents were 8000 miles away in the United States at the ~~time of the attack on petitioner on December~~ 3, ~~2018~~, that respondent Nasir Shansab had turned 85 years old at the time of the opinion and that another respondent, Stephen Townsend was a "now retired 4-star general."

The other basis for its opinion was that the attack on plaintiff had occurred on December 3, 2018, and that the statute of limitation had run out on petitioner's claims.

The district court improperly rejected petitioner's claim that he was entitled to a tolling of the statute of limitations on his earliest claims, without applying the test set forth by this Court in *Menominee Tribe of Wis. v. United States*, 577 U.S. 250 (2016).

Since, separate and distinct attacks had continued well into the limitations period, petitioner was entitled to the application of the "continuing violations doctrine", as this Court had stated in its ~~opinion in *Havens Realty Corporation v. Coleman*~~, 455 U.S. 363, 102 S. Ct. 1114, 71 L. ED. 2d 214 (1982). This too was summarily and improperly rejected by the district court.

The district court could not completely ignore the mountain of facts and direct evidence, pleaded in detail and with particularity, in the form of emails and video evidence by respondents themselves, admitting to their actions against petitioner, so it had to come up with other reasons for its wrongful

dismissal, by calling the pleadings "fanciful and self-serving."

The district court ignored all facts pleaded beyond the attack of December 3, 2018, to be able to fashion a wrongful dismissal of petitioner's amended complaint.

The appellate panel had a duty, under the rules, to review the district court's Rule 12(b)(6) dismissal of petitioner's amended complaint "de novo."

The rules required it to set aside the district court opinion and take a "new look" at the facts pleaded, and then issue its own opinion.

The appellate panel did not use the standard that it was obligated to do. Had it done so, it would have been compelled to reverse the district court's order and remand the case back for trial.

The appellate panel's order affirming the district court judgment proves that it violated very basic and standard rules governing its review of a Rule 12(b)(6) dismissal from the district court.

It's one sentence affirmance states: "We have reviewed the record and discern no reversible error."

Had the appellate panel set aside the district court opinion and done its own review "de novo", it would have had to issue its own opinion, not piggy back onto the opinion of the district court.

When it states that they did not discern reversible error, it means that they reviewed the district court opinion and found no error in it, rather than issuing their own findings.

The district court opinion was pure subterfuge, and the appellate panel decided to join in the

wrongful dismissal of petitioner's amended complaint.

The appellate panel counted on a *pro se* litigant not being able to determine what it had done, in the ~~fashion that it did, and to be able to file a petition to~~ this Court with the complexities involved.

Had the appellate panel reviewed the record "a new", it would have had to put its own opinion on the record, and that would have made it impossible for them to ignore direct evidence and facts pleaded with particularity in the amended complaint, as well as separate and distinct facts and claims that fell well within the limitations period. (See App. 18a-26a facts and direct evidence pleaded by petitioner in his amended complaint, with particularity and in detail, including dates and exhibits.)

(See App. 26a-31a, translation of the two videos that were submitted by respondents Yama Shansab and Nasir Shansab to the Taliban Deputy Minister of Interior in Afghanistan in a further effort to have petitioner killed.)

These are the videos that the district court removed from the case file, made sure that they were not entered into the docket of the case. The district court instructed the clerk of court to mail them back to petitioner **unofficially**, with an unsigned sticky note, timed in such a fashion that petitioner would receive the videos and the sticky note after the district court had already dismissed and closed the case. (See App. 32a Copy of the unofficial sticky note by the clerk of the district court.)

The reason that the district court did this is because with these admissions in the record, everything that petitioner had pleaded in his amended complaint, was admitted to by respondents themselves, at the pleading stage, and it would have made it impossible for the district court to fashion a bogus dismissal as it did.

The petitioner has pleaded in his amended complaint that respondents had tried to repeatedly strong arm him out of his assets and when that did not work, they decided to take his asset by force. **That is exactly what respondents admit to in the videos**. (See App. 26a-31a)

~~Why would respondent Nasir Shansab tell the~~ Taliban Deputy Minister of Interior, a Haqqani led ministry, that petitioner is American? Why would he tell him that petitioner has an American passport? Why would he tell him that petitioner belongs to and is under the influence of past Afghan Defense Minister Abdul Rahim Wardak, a defense minister who fought the Taliban for 10 years side by side with the American government?

Respondents said all of this to have the Taliban kill petitioner. There is no other basis for stating any of this other than goading the Taliban to kill petitioner.

Respondent Nasir Shansab threatened petitioner in his email: Should you refuse to vacate my house, I will be forced to involve the authorities and force you to vacate my house." (See Exhibit P8, p. 2, Amended Complaint.) The house that he refers to is the same house that he

himself sold to petitioner in January 2008. (See Exhibits A, B, C, D Plaintiff Declaration.)

Respondent Nasir Shansab, together with Afghan police forces repeatedly attacked petitioner at his property with threats of violence, forcing petitioner to write an email letter to President Ashraf Ghani to ask him to stop the threats to petitioner's life and property at the hands of respondents and the police forces with them. (See Amended Complaint ¶ 80, Exhibit P10, email letter to President Ashraf Ghani.)

One year before the attack on plaintiff, respondent Nasir Shansab called petitioner's mother and demanded that petitioner turn over a property to him, when petitioner's mother refused, respondent Nasir Shansab told her that he would punish and kill petitioner. (See Amended Complaint ¶¶ 84-87.)

Respondent Nasir Shansab wrote to plaintiff on June 25, 2018: **"I want you to know that from now on, I will not hesitate to put you in jail, here in the U.S. or in Afghanistan. If you don't want this dirt to get into the open, you must cease what you are doing and undo the wrongs that you have committed. Enough is Enough."** (See Exhibit P11, Amended Complaint.)

This threat was leveled at petitioner 5 months before petitioner was attacked by respondents and their Afghan partners. Respondents knew that the plan was in place to attack petitioner. No rational

person could tell someone that they would imprison them in writing, and 5 months later, exactly that happens. Respondents knew what was going to happen to petitioner well in advance of their occurrence. (See App. 33a-34a).

Respondent Nasir Shansab told petitioner's wife Melanie Shansab, while the attack on petitioner was unfolding that he had caused the attack on petitioner, because he deserved it. (See Amended Complaint ¶ 133, Melanie Shansab Declaration p. 2 ¶8.)

Respondent Stephen Townsend uses an adoptive name. He is the son of respondent Nasir Shansab's deceased brother Aziz Shansab. He is Afghan with an Afghan father and a German mother. He spent years in Afghanistan cumulatively on behalf of the Pentagon and was responsible for the losing Afghanistan war effort at numerous times. If respondents had succeeded in their criminal efforts to kill petitioner and steal his assets and properties, he was going to benefit financially.

Respondent Stephen Townsend knew on the day of the attack, December 3, 2018, that **"come morning the American forces would join the fight directly and the attack would be much more intense."** He sent this message to petitioner's wife Melanie Shansab while the attack was unfolding on petitioner. (See Amended Complaint ¶¶ 108-109, Melanie Shansab Declaration at p.2, ¶6.)

Although, respondent Stephen Townsend was in the United States, he had instant and direct knowledge of what was happening on the ground against petitioner in Kabul, Afghanistan. There is no other plausible explanation of his knowledge of what was happening in real time against petitioner, and what was going to happen to petitioner the following morning, unless he was in contact with the American forces on the ground in Afghanistan.

As a general in the United States Army, he had access to the American forces in Afghanistan, who were on site, while the Afghan police special forces were attacking petitioner. (See Plaintiff Declaration ¶¶ 26, 31-32.)

Respondent Horace Shansab told petitioner a year before the attack on him that if he went back to Afghanistan, he would be killed. (See Amended Complaint ¶¶ 81-82.) **He also warned petitioner's mother that if petitioner went back to Afghanistan, he would be killed.** (See Amended Complaint ¶83.)

On the day the petitioner was attacked, respondent Horace Shansab went to his and petitioner's mother's house, and proclaimed that his father, respondent Nasir Shansab had committed the attack on petitioner and that petitioner would be killed. (See Amended Complaint ¶136.)

On December 31, 2018, respondent Horace Shansab admitted to his and petitioner's mother, in the presence of petitioner's wife Melanie Shansab, that his father had caused the attack on petitioner. (See Amended Complaint ¶138, Melanie Shansab Declaration p. 3 ¶10.)

While petitioner was being held hostage under the most horrific conditions in an Afghan prison, respondents repeatedly attempted to take his properties and assets. First, respondent Nasir Shansab, together with his Afghan lawyer, Hamid Nazari, came to the prison where petitioner was being held hostage and demanded to see him. They made petitioner the offer of his freedom in return for all his assets in Afghanistan. (See Amended Complaint ¶¶ 157-159.)

On January 17, 2021, respondent Nasir Shansab went with the Afghan police forces to petitioner's property and business to take it over by force. Once again, the courts rejected their attempt and ordered them to stay away. (See Amended Complaint ¶ 183.)

In late August, early September of 2021, immediately after the Taliban took over Afghanistan, respondents' lawyers in Afghanistan, mentioned by name in the video by respondent Nasir Shansasb, attacked petitioner once again. This time they made

complaints to three different Taliban police stations that petitioner had stolen respondents' properties. **(See Amended Complaint** ¶¶ 190-197, Exhibit G Plaintiff Declaration (Arrest warrant for respondents' lawyers.))

Respondent Yama Shansab sent the video of his father respondent Nasir Shansab to the Taliban Deputy Minister of Interior in March of 2022, knowing full well that what was said in the video could cause the Taliban to kill petitioner. In the video, respondents admit to <u>everything</u> **that plaintiff has pleaded in his amended complaint, that they wanted plaintiff dead and his assets turned over to them.** (See Amended Complaint ¶¶ 198-222, Exhibit F Plaintiff Declaration, Exhibit AP1 Plaintiff-Appellant Brief.)

On July 20, 2023, petitioner was contacted by his attorney in Afghanistan that respondent Nasir Shansab had traveled to Afghanistan, and in the company of armed Taliban fighters belonging to Taliban leader Khalil Ur-Rahman Haqqani, had gone to the Kabul police district 4 station and lodged a complaint against petitioner that petitioner had forcefully stolen his property and assets. This event and respondents' continuing wrongful attacks against petitioner, led to the respondent Nasir Shansab's own imprisonment by the Taliban ~~courts for several days and nights, causing~~ him to flee at the first opportunity presented

to him. (See Amended Complaint ¶¶ 224-234, Exhibit H, Plaintiff Declaration, Ministry of Interior of Afghanistan arrest warrant for respondents' 4th lawyer Zabihulla Zahid.)

On July 19, 2024, 40 days prior to petitioner's filing of his complaint against respondents, respondent's fifth lawyer, accompanied by four armored vehicles loaded with armed Taliban fighters, came to petitioner's property and announced themselves as lawyers for respondent Nasir Shansab. They demanded that petitioner immediately vacate his property and hand it over to them, or that they would kill everyone inside and take the property by force. (See Amended Complaint ¶¶ 235-239, Exhibit I, Plaintiff Declaration, Ministry of Interior of Afghanistan arrest warrant for respondent's fifth lawyer, named Suleiman.)

Respondents have never denied a single fact or allegation at any point. Respondents have never submitted a certification or declaration denying any of these allegations in petitioner's amended complaint, his sworn 43-page Declaration and his wife's sworn Declaration.

They didn't need to, the district court became their defense counsel and advocate, misrepresented the facts in its order, made up its own conclusion as to what it thought happened to petitioner, all in an **intentional** effort to get rid of the case, no matter what was pleaded.

This was not error on the part of the district court, it was **intentional deviation from all standard judicial procedures**, in an effort to protect a retired 4-star general and for political purposes.

The district court treated respondents' joint motions to dismiss as a motion for summary judgment, couched it as a motion to dismiss, with absolutely nothing before it. The district court knew full well petitioner's amended complaint far exceeded the requirements under *Iqbal* and *Twombly*, yet it simply ignored all the facts.

The district court deviated from all standard procedures because it felt that petitioner *pro se,* was not equipped to handle an appeal and that it could accomplish its goal of ending petitioner's case right there and then, all in an effort to protect one of the respondents, retired 4-star general Stephen Townsend with deep political connections.

The appellate panel knew that the district court had intentionally misapplied the law and ignored basic legal principles to be able to wrongfully dismiss petitioner's *prima facie* case. Yet, it too decided to join in the significant deviation from standard procedures of the district court by not ~~adhering to basic principles that apply to Rule~~ 12(b)(6) motions to dismiss.

Seeing a *pro se* litigant in front of it, it too chose to deviate from standard judicial procedures by ignoring the standard of review that the appellate panel must use in those instances as well as to look at the totality of the pleadings "de novo," rather than review the district court opinion for any errors.

The dismissal of petitioner's amended complaint and it's one sentence affirmance by the Fourth Circuit, was a complete political event, done to get rid of a case that could have political repercussions. This had nothing to do with applying the rules or procedures governing Rule 12(b)(6) motions to dismiss.

QUESTION 1:

On October 16, 2025, the United Stated Department of Justice (DOJ) unsealed its indictment of John Bolton, former National Security Advisor (NSA) to President Donald Trump during his first term. (See App. 16a-17a).

In this indictment, the United States alleges that NSA John Bolton misused information and documents that the United States considered secret/confidential.

In the indictment on page 12 ¶¶ 38,39 the United States disclosed for the first time that then NSA John Bolton knew of the pending attack on petitioner and forwarded documents to his two family members about it:

38. On or about December 2, 2018, **BOLTON** sent Individuals 1 and 2 a 15-page document, which contained information that **BOLTON** learned while National Security Advisor. Individual 2 responded, "Diary arrived" and then sent a message that stated, "But no commentary on [Foreign Country 1] judicial system article I sent or administration sentiment on [arrest in Foreign Country 1]?" In response,

BOLTON sent a message that stated, "I'm working on it!!!"

39. On or about December 4, 2018, Individual 2 ~~sent additional messages to~~ **BOLTON** ~~and~~ Individual 1 regarding the arrest of an individual in Foreign Country 1. Individual 2 told **BOLTON** and Individual 1 that the arrested individual in Foreign Country 1 was being interrogated and that a relative of the arrested individual would "be in DC...if useful to get him in front of [senior U.S. Government official] or anyone else." In response to Individual 2's message that law enforcement in Foreign Country 1 was interrogating the arrested individual, Individual 1 sent a message that stated, "Ye gods. Next thing they'll pull a Khashoggi[2] on him." In response, Individual 2 sent a message that asked, "But [nickname for **BOLTON**] has no feedback?"

This indictment by the United States, proves that NSA John Bolton, was aware of the pending attack against petitioner before the attack took place.

This admission by the United States government, eviscerates the opinion of the district court when stated in it order "...the facts alleged do not support a reasonable inference that any defendant had the ability to control the Afghani "special police forces" or American military forces in Afghanistan, or that any defendant caused the attack on plaintiff or his imprisonment. Indeed, the alleged facts raise the plausible inference that Afghani authorities, not

defendants, caused plaintiff's alleged injuries." (See App. 16a-17a)

The district court and the appellate panel chose to ignore that respondent Stephen Townsend was an active duty 4- star general in the United States Army at the time of the attack, and that he was in charge of the war effort on behalf of the Pentagon for many years in Afghanistan.

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[2] Jamal Khashoggi was the Saudi Journalist who was murdered in 2018 in the Consulate of Saudi Arabia in Istanbul, Turkey.

The district court and the Fourth Circuit appellate panel could have never imagined that the United States Department of Justice would admit in an indictment, that the United States government knew of a pending attack against petitioner at the highest levels of the United States government.

NSA John Bolton found this situation important enough to forward this information to his relatives for his future memoire.

The United States Department of Justice considers this information important enough, to make it a component of the indictment against NSA John Bolton.

No other American, other than petitioner, was attacked, held prisoner, or interrogated anywhere in the world on December 3 and 4, 2018.

The family member referenced in the indictment who would "be in DC.... If useful to get him in front of [senior U.S. Government official] refers to petitioner's step-father.

NSA John Bolton and his wife and daughter were discussing the fact that petitioner was in the process of being murdered and that petitioner would have a fate like Saudi Journalist Jamal Khashoggi, who was killed and dismembered in the Saudi Embassy in Istanbul, Turkey.

The district court wrongfully called petitioners amended complaint "..often verge on the fanciful" and the appellate panel agreed. This indictment and its revelations, throw the district court's opinion and order that was wrongfully affirmed by the Fourth Circuit appellate panel into complete disarray.

The carefully manipulated opinion of the district court, to affect a wrongful dismissal, falls apart, when the United States government itself admits to knowing about the attack on petitioner before it took place, considers the information top secret, and an indictable offense by the National Security Advisor of the United States in sharing it with his family members.

Petitioner's *prima facie* complaint in this light can no longer be deemed "fanciful" or implausible because the respondents were 8000 miles away. It is, and always has been, completely plausible that ~~respondent Stephen Townsend~~, **~~then an active 4-~~ star general in the United States Army**,

coordinated the attack with the American forces in Afghanistan and their Afghan partners.

All of the bogus reasons that the district court wrongfully asserted in its subterfuge of an order, and the Fourth Circuit appellate panel wrongfully affirmed, falls apart with the disclosure of this information.

Petitioner had pleaded in his amended complaint that American soldiers were on site and advising the Afghan special forces who were attacking him. (See Amended Complaint ¶¶ 105,108-118, Melanie Shansab Declaration at p.2, ¶6.)

This indictment was unsealed on October 16, 2025, while petitioner was working on this writ of certiorari to this Court. Petitioner reserves all of his rights to bring any action, against any party responsible, based on these admissions by the United States Department of Justice.

QUESTION 2:

The Fourth Circuit appellate panel did not use the "de novo" standard of review of petitioner's amended complaint that was dismissed by the district court on a FRCP 12(b)(6) motion to dismiss.

Had the appellate panel reviewed petitioner's amended complaint "de novo", as it was required to do under the rules governing its conduct, it could have not affirmed the district court's order that significantly deviated from standard judicial

procedures in its clearly wrongful dismissal of petitioner's amended complaint.

It is crystal clear to anyone reading petitioner's amended complaint that it far exceeded the *Iqbal* and *Twombly* threshold standards.

The district court had to resort to making misrepresentations in its own order to be able to fashion its subterfuge of an opinion and order.

The district did this to protect a retired 4-star general and for political purposes known only to it.

The district court did not simply err in its opinion, it resorted to intentionally misrepresenting facts, and misapplying case law to do what it did.

Petitioner knew immediately upon reading the district court's order that the district court had intentionally violated its own rules governing Rule 12(b)(6) motions to dismiss, and had wrongfully dismissed his valid claims. He also knew that the system of checks and balances were supposedly in place, to catch this kind of significant deviation from judicial norms.

Petitioner was confident that this kind of obvious ~~and significant deviation from standard judicial~~ procedures by a district court, would not survive appellate court review and scrutiny.

The Fourth Circuit appellate panel, however, showed its true colors with its own bogus one-line affirmance of the district court's wrongful opinion and order.

The appellate panel joined the district court in its own significant deviation from standard judicial

procedures. It saw what the district court did, yet, it intentionally joined in these violations against petitioner's constitutional rights to due process.

The appellate panel had a duty under the rules to review the district court's Rule 12(b)(6) dismissal of petitioner's amended complaint "**de novo**."

The rules required it to set aside the district court opinion and take a "new look" at the facts pleaded, and then issue its own opinion. The appellate panel did not use the standard that it was obligated to do. Had it done so, it would have been compelled to reverse the district court's order and remand the case back for trial.

The Fourth Circuit appellate panel's one sentence order, affirming the district court judgment proves that it violated very basic and standard rules governing its review of a Rule 12(b)(6) dismissal from the district court.

It's one sentence affirmance states: "We have reviewed the record and discern no reversible error." Had the appellate panel set aside the district court opinion and done its own review "de novo", it would have had to issue its own opinion on the issues on appeal, not piggy back onto the opinion of the district court.

QUESTION 3.

To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to "state a claim to relief that is plausible on its face." *Ashcroft v. Iqbal*, 556 U.S. 662 (2009). A claim has

facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged. *Id,*. at 556. The plausibility standard is not akin to a "probability requirement," but it asks for more than a sheer possibility that a defendant has acted unlawfully. *Ibid.*

Here, petitioner pleaded an enormous amount of factual content with particularity, with exact dates, emails of threats by respondents, demands for money and threats of using authorities, and imprisoning petitioner in writing. Attached to petitioner's amended complaint were emails by respondents themselves, that clearly state what they demanded of petitioner and the threats that they were making in their own writing.

Petitioner submitted video evidence in respondent's own words that state exactly what petitioner complained of in his amended complaint.

The district court removed the video evidence surreptitiously, sent it back to plaintiff with a sticky note, not an official letter, never included this submission and its removal in the docket of the case.

The district court went to great length to misrepresent the dates of the last communication between the parties in its order. The pleadings showed that respondents threatened petitioner throughout the alleged period and as recently as 40 days prior to the filing of petitioner's complaint.

~~The district court and the Fourth Circuit appellate~~ panel violated their own rules of conduct and

petitioner's constitutional rights to due process, when they intentionally disregarded all of the facts pleaded with particularity and backed up with written and video evidence. **They did this knowingly and intentionally, to be able to wrongfully end petitioner's case.**

QUESTION 4:

In their Rule 12(b)(6) motions to dismiss, respondents claimed that the statute of limitation on petitioner's claims had run out.

Petitioner submitted his amended complaint and his reply brief to the district court showing in detail that petitioner had been wrongfully imprisoned and held hostage due the actions of respondents and that he was entitled to the tolling of his earliest claims under the test set forth by this Court in *Menominee Tribe of Wis. v. United States*, 577 U.S. 250 (2016).

Petitioner's situation and circumstances fell squarely under the equitable tolling doctrine. The district court had and obligation to apply the test as set forth by this Court. The equitable tolling doctrine, known as equitable estopple-or, "equitable tolling" is consistent with the principal that a wrongdoer should not be able to benefit from his own wrong.

In *Menominee Tribe of Wis. v. United States*, 577 U.S. 250 (2016), this Court held that a party seeking to establish that a statute of limitations should be equitably tolled must show both, that he has been diligently pursuing his rights and that extraordinary

circumstances prevented timely filing, such that delay was beyond the party's control.

Petitioner's case is exactly the type of situation that this Court had in mind when it clarified and established the test necessary to be entitled to equitable tolling of a statute of limitations.

The district court denied petitioner this test. The district court had the obligation to follow this test, yet, it simply disregarded the test and claimed that it did not feel that petitioner was entitled to equitable tolling. The district court had nothing before it on a motion to dismiss to make this determination. At the very minimum, the district court should have held an evidentiary hearing to be able to determine whether petitioner was entitled to equitable tolling or not.

Again, having a *pro se* party before it, the district court felt that disregarding Supreme Court precedent would have no consequences.

The appellate panel did not address any of this and violated its obligations to address these significant deviations by the district court, instead, it joined in the incorrect decision of the district court.

QUESTION 5:

Respondents engaged in continuing wrongful conduct against plaintiff after their attack of December 3, 2018. These continuing violations and several of their recent acts fall well within the statute of limitations period.

Petitioner's amended complaint and his declaration in opposition to respondents' joint motions to dismiss,

clearly state the many wrongful actions that the respondents have committed against petitioner, **including as recently as the July 23, 2023, and the July 19, 2024 attacks against petitioner, approximately 40 days prior to the filing of petitioner's complaint.** (Amended Complaint ¶¶ 224-239.)

The crucial test for determining continuing violations as opposed to non-continuing violations is, when the unlawful conduct is of continuous nature, rather than lingering effects of past unlawful behavior.

The violations committed by respondents against petitioner, as clearly pleaded by the petitioner in his amended complaint, amount to continuing unlawful acts well into the limitations period, not ill effects from an original violation. See e.g., *National Advertising Co. v. City of Raleigh*, 947 Fd.2 1158 (4th Cir. 1991.) In *National Advertising*, the Fourth ~~Circuit observed that~~ "~~[a] continuing violation~~ is occasioned by continual unlawful acts, not continual ill effects from an original violation."

This Court concluded in *Havens Realty Corporation v. Coleman*, 455 U.S. 363, 102 S. Ct. 1114, 71 L. Ed. 2d 214 (1982), that an action would not be time-barred where plaintiffs challenged "an unlawful practice that continues into the limitations period." 51 AM. JUR. 2d *Limitations of Actions* § 168 (2000) ("[T]he 'continuous tort' rule...holds that if a wrongful act is continuous or repeated, the statute of limitations run from the date of each wrong or from the end of the continuing wrongful conduct.")

The district court stated in its order on page 6: "The injurious conduct occurred in 2018. That the "ill effects" of that conduct appear to have persisted does not constitute a continuing violation."

This statement by the district court is not only clear error and abuse of its discretion, but an intentional misstatement of the facts pleaded.

No rational person, let alone a district court with its "vast knowledge of the law", could read in petitioner's amended complaint and submissions to the district court, that what the respondents did after the December 3, 2018 attack, were "ill effects" of their original conduct. **Each and every one of the subsequent wrongful acts was a distinct and separate continuing violation, in addition to their original attack on December 3, 2018.**

Petitioner's case is a textbook case for equitable tolling. Furthermore, the continuing violations doctrine fully applies to petitioner's case and, therefore, petitioner's case is not time barred.

Both the district court and the Fourt Circuit appellate panel significantly deviated from standard judicial procedures, in an effort to protect a defendant in this action, a retired 4-star general and for political purposes.

QUESTION 6:

As part of his amended complaint and his sworn declaration in opposition to respondents' joint motions to dismiss, petitioner submitted to the district court a USB flash drive containing two videos

of respondent Nasir Shansab, that he and respondent Yama Shansab, had sent to the Taliban Deputy Minister of Interior of Afghanistan in March of 2022. (Amended Complaint ¶¶ 198-214, (Exhibit F, Plaintiff Declaration, ¶¶ 55-66, translation included, brief in opposition to defendants' joint motions to dismiss p.4-8.)

These two videos are "smoking gun" evidence of exactly what petitioner has pleaded in his amended complaint against respondents, and they amount to admissions by the respondents of what petitioner has pleaded in his amended complaint against them. (See App. 26a-31a, Verbatim translations of the videos.)

Petitioner and his family traveled 600 miles from New Hampshire to Virginia for the hearing that the district court had scheduled for the morning of December 6, 2024. Petitioner received an email notification, late in the day on December 4, 2024, from the district court courtroom deputy, that the district court had cancelled the hearing scheduled for the morning of December 6, 2024.

Petitioner and his family traveled back to Piermont, NH from Virginia, and arrived back home on the evening of Saturday, December 7, 2024. In his mailbox, petitioner found an envelope from the district court, containing two flash drive exhibits that petitioner had attached to his opposition submission to respondents' joint motions to dismiss, one to the court, and a second one with the courtesy copy to the district court judge's chambers.

A handwritten sticky-note from an unidentified person from the clerk's office was attached to the returned exhibits. It stated:

"~~Hello, The court does not accept documents in~~ this format from pro se parties. In order to submit something in any other form but paper, you must file a motion for leave of court to do so. The USB drives have been mailed back and are not included w/your latest submission. Thank you, Clerk." (See App. 32a).

The act of removing evidence from a filing to an imminent motion to dismiss, in such a manner, is unheard of. These USB flash drives were not "documents" submitted by this *pro se* petitioner, as stated incorrectly on the sticky note by the court clerk, rather, they were VIDEO evidence that corroborate everything that petitioner has pleaded in his amended complaint. This VIDEO evidence was clearly marked in the submission to the court as VIDEO evidence.

A courtesy copy of petitioner's opposition to respondents' joint motions to dismiss, which ~~included this VIDEO evidence, was sent to the~~ district court judge's chambers. That VIDEO was also removed and sent back to petitioner in the same envelope.

If the district court felt that petitioner *pro se*, was not allowed to submit video evidence without first having made a motion for their inclusion, the district court was obligated to notify petitioner officially, give

him the appropriate time to make the motion, rather than have petitioner travel for a hearing 600 miles away, then cancel the hearing on one day's notice, and, in the meantime, have the clerk of court mail the video's back to petitioner's home, issue a dismissal order on the day of the hearing and have the case closed on the same day.

All of this was done in contravention and deviation from the standards of judicial procedures and conduct, and **NONE OF THIS WAS ENTERED INTO THE DOCKET OF THE CASE.**

CONCLUSION

Petitioner recognizes that this Court deals with cases that have nationwide impact. Petitioner believes that when lower courts deviate significantly or completely from basic and standard judicial procedures and settled precedents, in an effort to get rid of a case for political reasons, it has nationwide impact, on *pro se* parties and all other litigants.

It becomes necessary for this Court to step in and address that type of conduct for the sake of our judicial system. Otherwise, the lower courts can decide that anything goes, as they did here in this case, since no one can hold them accountable for their deviation from standard judicial procedures that undermine fundamental fairness. This itself becomes a perversion of the judicial system.

Petitioner, *pro se*, believed that the judicial system in our country works as it should, until he decided to

have redress for the horrific acts of violence and destruction brought on him by respondents.

Petitioner knows that his case was wrongfully dismissed by the district court and that the Fourth Circuit appellate panel did not do what they were supposed to do under the rules. The lower courts believed that a *pro se* litigant could not decipher their actions, and that the case would just go away. This has implications for every single *pro se* litigant in the judicial system of our country.

If lower courts believe that they can throw *pro se* litigants' cases away, wrongfully, without anyone looking at their actions, this can easily become the norm in our country.

If our judicial system allows *pro se* parties to appear before the courts, and holds them responsible to ~~adhering to all the rules and procedures of the judicial~~ system, it must also hold the lower courts responsible if they **significantly deviate from judicial procedures and norms**.

The courts should treat *pro se* parties with the same respect, and apply the same judicial norms to them, that they would apply to a party represented by a famous attorney, from a large national law firm.

This Court should not tolerate what happened to petitioner *pro se* at the hands of the lower courts.

Petitioner, respectfully urges this Court to take a good look at his case. This case has been dismissed by the lower courts on a Rule 12(b)(6) motion to dismiss. If this Court simply peruses petitioner's amended complaint and his and his

wife's sworn declarations, it can determine in minutes whether this petitioner is right about what has happened to him in the lower courts.

If this Court and its bright young law clerks, the future leaders of our judicial and legal system, look at petitioner's amended complaint, it will be clear to them that petitioner's rights were wrongfully squandered by the lower courts.

They will see that the lower courts significantly deviated from standard judicial procedures and norms. This has enormous implications for all *pro se* litigant in the Federal Court system.

For all of the reasons above, petitioner respectfully requests that this Court grant this petition for a writ of certiorari.

Respectfully submitted,

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