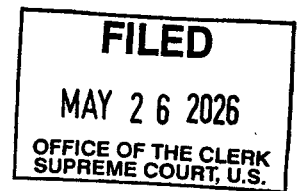


25-7548

No. _____



IN THE
SUPREME COURT OF THE UNITED STATES

Hamid Michael Hejazi

— PETITIONER

(Your Name)

VS.

Joshua Shane Bartlett, et al.

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the ^{Ninth} ~~District of Columbia~~ Circuit

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

PETITION FOR WRIT OF CERTIORARI

Hamid Michael Hejazi

(Your Name)

C/O Sheila Thomas - LILA
20 East 13th Avenue

(Address)

Eugene, Oregon 97401

(City, State, Zip Code)

(541) 607-7020 (Msg)

(Phone Number)

QUESTION(S) PRESENTED

1. Whether Rule 24(a)(2) requires intervention as of right when the proposed intervenor's constitutional claim cannot be protected in the no-record municipal forum where he was prosecuted.
2. Whether existing class counsel adequately represents a proposed intervenor when counsel refuses to litigate the enforcement problem that keeps statewide relief from reaching the municipal court.
3. Whether a statewide right-to-counsel remedy may be rendered ineffective when the municipal court proceeds without the constitutional safeguards required by the Betschart protective order.

LIST OF PARTIES

- [] All parties appear in the caption of the case on the cover page.
- [X] 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:

Petitioner is Hamid Michael Hejazi, the movant-appellant in the court of appeals circuit. The respondents below are the existing Betschart class petitioners and the respondent State of Oregon:

Joshua Shane Bartlett, Caleb Aiona, Tyrik Dawkins, Joshua James-Richards, Taniela Kini Kin Latu, Richard Owens, Leon Michael Polaski, Alex Sarat Xotoy, Timothy Wilson, Walter Betschart, and State of Oregon.

RELATED CASES

1. Betschart v. Garrett, No. 3:23-cv-01097-CL (Ongoing)
(ECF No. 142 (The district court s order denying intervention, appointment of counsel, and a request to appear at settlement conference was entered on D. Or. Sept. 5, 2025)).
2. Betschart v. Oregon, 103 F.4th 607 (9th Cir. 2024).
3. Bartlett, et al. v. Hejazi, et al., No. 25-6217 (9th Cir. order affirming the denial of intervention was entered on February 25, 2026).

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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 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 United States district court appears at Appendix B to the petition and is

☐ reported at _____; 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 _____ 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 _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; 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 February 25, 2026.

☒ 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

U.S. Const. art. III. The judicial Power shall extend to all Cases . . . arising under this Constitution, the Laws of the United States, and Treaties

U.S. Const. amend. VI. In all criminal prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his defence.

U.S. Const. amend. XIV. No State shall . . . deprive any person of life, liberty, or property, without due process of law; nor deny . . . the equal protection of the laws.

28 U.S.C. § 1254(1). Cases in the courts of appeals may be reviewed by the Supreme Court by writ of certiorari

28 U.S.C. § 1291. "The courts of appeals . . . shall have jurisdiction of appeals from all final decisions of the district courts

28 U.S.C. § 1331. The district courts shall have original jurisdiction of all civil actions arising under the Constitution [and] laws . . . of the United States.

28 U.S.C. § 2241. "Writs of habeas corpus may be granted by the Supreme Court, any justice thereof, the district courts and any circuit judge

Fed. R. Civ. P. 24(a)(2). The court must permit anyone to intervene who . . . may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest.

Fed. R. Civ. P. 24(b). The court may permit anyone to intervene who . . . has a claim or defense that shares with the main action a common question of law or fact.

ORS 221.360. In all cases involving the constitutionality of the charter provision or ordinance under which the conviction was obtained . . . such person shall have the right of appeal to the circuit court

ORS 221.390. Upon a verdict of guilty the circuit court judge may impose any sentence within the limits prescribed by the charter or ordinance

STATEMENT OF THE CASE

Petitioners brought this action to challenge Oregon's failure to provide counsel to indigent defendants after the Sixth Amendment right to counsel attached. In *Betschart*, the district court recognized the constitutional injury caused when defendants are left to navigate critical stages without counsel.

Mr. Hejazi's experience shows why the municipal-court problem matters. After the municipal proceedings at issue, he was sent to the Oregon State Hospital after being found unable to aid and assist, held on community restoration, and ultimately had the charges dismissed after being treated as never able. Oregon's aid-and-assist framework allows a never able determination to lead to dismissal or civil commitment.

That sequence was not harmless. The municipal forum did not provide the constitutional assurances needed to preserve the violation, and the lack of a usable record made it impossible to force meaningful compliance with the statewide protective order. The result was prolonged confinement and lasting stigma, not a brief procedural misstep.

On September 5, 2025, the district court denied Mr. Hejazi's motions for appointment of counsel, to intervene, and to appear at settlement conference, concluding that he was not a party and that no exceptional circumstances were present. *Hejazi v. Betschart*, No. 3:23-cv-01097-CL, ECF No. 142 (D. Or. Sept. 5, 2025). That order left him without any mechanism to press the very harm his case demonstrates.

REASONS FOR GRANTING THE PETITION

This case presents an important question: whether a statewide constitutional remedy can be nullified when a municipal court proceeds without a record and without the protections required by the Betschart protective order. That problem goes to the enforceability of federal rights, not just one movant's status. U.S. Const. art. III and 28 U.S.C. § 1254(1) confirm the Court's role in reviewing cases arising under federal law.

The denial of intervention is especially troubling because Mr. Hejazi's situation was not speculative. He was sent to the hospital, held for restoration, and later labeled "never able." U.S. Const. amend. VI guarantees the Assistance of Counsel, and U.S. Const. amend. XIV guarantees due process and equal protection. Those consequences show the concrete harm caused when counsel is absent and the record is unusable.

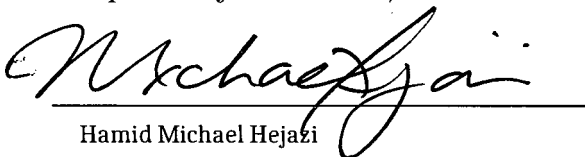
The Court should grant certiorari to clarify that statewide injunctive relief cannot be evaded by routing a defendant through a no-record municipal forum and then opposing intervention from the person most directly affected. Fed. R. Civ. P. 24(a)(2) and (b) reflect the principle that intervention is proper where an interest may be impaired or a common question is shared, and ORS 221.360 and 221.390 show the municipal proceedings' continuing consequences.

¹ The Betschart protective order refers to the district court's order in *Betschart v. State of Oregon*, No. 3:23-cv-01097-CL, entered to require timely appointment of counsel for indigent pretrial detainees and, if counsel is not provided within the court-ordered period, release subject to reasonable conditions. *Betschart v. Oregon*, 103 F.4th 607 (9th Cir. 2024), affirming *Betschart v. Washington County Circuit Court Judges*, No. 3:23-cv-01097-CL (D. Or. Oct. 31, 2023) (preliminary injunction order). *Betschart v. Oregon*, 103 F.4th 607 (9th Cir. 2024), affirming *Betschart v. Washington County Circuit Court Judges*, No. 3:23-cv-01097-CL (D. Or. Oct. 31, 2023) (preliminary injunction order).

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Hamid Michael Hejazi

Date: May 26, 2026