

26-5539
No —

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FILED

JUL 06 2026

OFFICE OF THE CLERK
SUPREME COURT, U.S.

In re the Matter of the Estate of:

ELSAYED M. ELKHARWELY

ALAA ELKHARWILY, MD, Petitioner

v.

MOHAMED ELKHARWELY, et al., Respondent(s)

ON PETITION FOR A WRIT OF CERTIORARI TO
THE SUPREME COURT OF THE STATE OF WASHINGTON
PETITION FOR WRIT OF CERTIORARI

Alaa Elkhawily, MD

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QUESTION(S) PRESENTED

1. Whether an appellate court's dismissal of an appeal based on a record that is undisputedly admitted by court personnel to be incomplete, falsified, or deliberately obscured by systemic record destruction violates the Due Process Clause of the Fourteenth Amendment.
2. Whether the failure of appellate judicial officers to disqualify themselves—where they are actively named as defendants in a related federal lawsuit involving the same parties and identical allegations of criminal misconduct—constitutes a jurisdictional nullity that renders any subsequent order of dismissal void ab initio.
3. Whether this Court should exercise its supervisory authority to address a documented pattern of systemic criminal misconduct—including record destruction, forgery, and witness tampering—by judicial officers and court staff that has effectively shielded a corrupt institutional enterprise from federal accountability.

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:** Alaa Elkhawily, MD

- **Respondents:**

- Mohamed Elkhawily

- Nadia Eltarawy (Administrator of the Estate of Elsayed M. Elkhawily)

- Ola El-Khawily (Co-Appellant below)

RELATED CASES

List your cases in the following format:

- In re the Matter of the Estate of: Elsayed M. Elkhawily, No. 20-4-01207-32, Spokane County Superior Court. Judgment entered April 13, 2021.

- In re the Matter of the Estate of: Elsayed M. Elkhawily, No. 38201-0-

III (consolidated with Nos. 38347-4-III & 38348-2-III), Court of Appeals of the State of Washington, Division III. Judgment entered July 24, 2025.

- In re the Matter of the Estate of: Elsayed M. Elkhawwely, No. 104680-4, Supreme Court of the State of Washington. Judgment entered February 4, 2026.
- Alaa Elkhawwely, MD v. First Interstate Bank, et al (proposed Thomas O. Rice, et al.,) No. 2:25-cv-00104-TOR, U.S. District Court for the Eastern District of Washington (pending appeal, Ninth Circuit Case No. 25-3405).
- In re the Matter of the Estate of: Elsayed M. Elkhawwely, No. 104680-4, Supreme Court of the State of Washington (U.S. Supreme Court Application No. 25A1221).
- Alaa E. Elkhawwely v. Mohamed E. El-Khawwely, et al., No. 104681-2, Supreme Court of the State of Washington (U.S. Supreme Court Application No. 25A1432).
- Elkhawwely v. Kaiser Permanente, et al. (Supreme Court No. 25-6717.
(See Petition for Rehearing)

- Wall Street Apartments, LLC v. All Star Property Management, LLC,
et al., No. 22-994, Supreme Court of the United States

(denied).

- • Ronald Simon and Teresa Simon v. Wayne Janke and Doris
Strand, et al., No. 22-1051, Supreme Court of the United States

(denied).

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TABLE OF AUTHORITIES

Cases

- Elkharwily v. Kaiser Permanente, et al., No. 25-6717 5, 17
- Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238 (1944) 19, 21
- Simon v. Strand, No. 22-1084 20
- Wall Street Apartments, LLC v. All Star, No. 22-1082 20

Constitutional Provisions

- U.S. Const. amend. XIV, § 1 (Due Process Clause) 2, 10, 11, 12, 13, 14, 18, 21

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- 28 U.S.C. § 1257(a) 9, 10
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Lower Court Proceedings & Orders

- Alaa E. Elkharwily v. Mohamed E. El-Kharwely, et al., Washington Supreme Court No. 104681-2 (SCOTUS Application No. 25A1432) 5, 17
- Alaa Elkharwily, MD v. First Interstate Bank, et al., No. 2:25-cv-00104-TOR (U.S. District Court for the Eastern District of Washington), pending appeal, 9th Cir. Case No. 25-3405 4, 12
- In re the Matter of the Estate of: Elsayed M. Elkharwely, No. 20-4-01207-32 (Spokane County Superior Court) 4, 8
- In re the Matter of the Estate of: Elsayed M. Elkharwely, No. 38201-0-III (consolidated with Nos. 38347-4-III & 38348-2-III) (Court of Appeals of the State of Washington, Division III) 4, 8
- In re the Matter of the Estate of: Elsayed M. Elkharwely, No. 104680-4 (Supreme Court of the State of Washington) (SCOTUS Application No. 25A1221) 4, 8, 9

OPINIONS BELOW

A. The order of the Supreme Court of the State of Washington appears at Appendix A to the petition and is unpublished. (A1-A2)

B. The order of the Court of Appeals of the State of Washington, Division III, appears at Appendix Exhibit B to the petition and is unpublished. (A3-A24)

C. The order of the Spokane County Superior Court appears at Appendix Exhibit C to the petition and is unpublished. (A25-A30)

D. Court of Appeals Order Denying Motion for Reconsideration.

Appendix Exhibit D,
JURISDICTION

The date on which the highest state court decided my case was February 4, 2026.

A copy of that decision appears at Appendix A to the petition. An extension of time to file the petition for a writ of certiorari was granted to and including July 4 (6), 2026, on April 24, 2026, in Application No. 25A1221

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const. amend. XIV, § 1 (Due Process Clause):

"No State shall... deprive any person of life, liberty, or property, without due process of law..."

28 U.S.C. § 1257(a):

"Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States."

STATEMENT OF THE CASE

This case arises from an appellate proceeding in the State of Washington that fundamentally subverted the requirements of the Due Process Clause of the Fourteenth Amendment. Petitioner, Dr. Alaa Elkhawily, sought review of probate proceedings in the Washington Court of Appeals, Division III.

Throughout the appellate process, the integrity of the judicial record was systemically compromised. As documented in Petitioner's "Urgent Notice of Criminal Violations," filed September 15, 2025 in the court of appeal and attached to the Petition of review filed on the State Supreme Court, court personnel engaged in the deliberate falsification and destruction of official court records to engineer a procedural dismissal of Petitioner's appeal. These undisputed facts include the falsification and impersonation of the Petitioner within official transcripts of proceedings, which were manufactured to simulate Petitioner's participation in hearings he was demonstrably prevented from attending. Despite Petitioner's repeated efforts to

correct the record and expose these criminal acts, the appellate court maintained the use of these falsified documents as the foundation for its orders of dismissal.

Furthermore, the judges presiding over this appeal were direct adversaries of the Petitioner in a related federal lawsuit (Ninth Circuit Case No. 25-3405). In that federal action, these same judicial officers and the counsel representing the Respondents in the instant case were named as co-defendants, creating an irreconcilable conflict of interest. Notwithstanding Petitioner's timely and documented motions for disqualification—grounded in the fundamental right to an impartial tribunal as guaranteed by the Due Process Clause of the Fourteenth Amendment—the presiding judges refused to recuse themselves. This refusal, despite the court's mandatory obligations under state law (RCW 2.28.030(1)) and constitutional requirements, allowed the court to proceed with a dismissal based on a record the judges knew to be forged by appellate court personnel, thereby shielding themselves and their co-defendants from the consequences of their documented misconduct.

Petitioner sought discretionary review by the Supreme Court of Washington, which denied review on February 4, 2026, without addressing the merits of the systemic record corruption or the disqualification claims. This petition for a writ of certiorari followed.

REASONS FOR GRANTING THE WRIT

A- The decision below violates the Due Process Clause of the Fourteenth Amendment by denying Petitioner the right to an impartial tribunal and a fair appellate review upon an accurate, legitimate record.

It is a cornerstone of American jurisprudence that "a fair trial in a fair tribunal" is a basic requirement of due process. This constitutional guarantee is rendered meaningless when the state court system, as established here, substitutes official records with forged, falsified, and fabricated transcripts.

The decision below rests upon a record that was undisputedly compromised by appellate court personnel. By dismissing Petitioner's

appeal based on a record known to be forged—including the impersonation of the Petitioner and the deliberate manufacture of procedural defaults—the court below fundamentally denied Petitioner the right to be heard. This is not a mere dispute over statelaw procedure; it is a structural violation of the Due Process Clause. When an appellate court predicates its judgment on fabricated

facts and falsified transcripts, it engages in a "fraud on the court" that denies the litigant any meaningful opportunity to seek redress. **B-**

Furthermore, the integrity of the judicial process is compromised when the court allows its own officers to engage in the destruction of evidence to shield themselves and their co-defendants from the consequences of their misconduct. The state court's decision to dismiss the appeal using these forged records serves only to facilitate a cover-up, effectively insulating the judiciary from accountability for the very crimes—forgery, record destruction, and obstruction of justice—that Petitioner sought to expose.

This Court's intervention is essential to affirm that the Due Process Clause forbids a state from using its judicial power to finalize a judgment based upon a record it has itself falsified. Where a lower court has abandoned the "accepted and usual course of judicial proceedings" by sanctioning the forgery of its own record, this Court must exercise its supervisory authority to preserve the rule of law.

**C. The Systemic Falsification and Destruction of Court Records
Constitutes a Crisis of Judicial Legitimacy that Compels this Court's
Supervisory Intervention.**

The issues presented in this petition transcend the interests of the individual parties and reach the core of the public's confidence in the judicial system. Where the record itself—the only vehicle through which appellate review can be conducted—is "undisputedly and admittedly" compromised by systemic forgery, falsification, and destruction by court personnel, the judicial process ceases to function as an instrument of justice.

When court personnel act with impunity to destroy, conceal, and fabricate public records to secure dismissals, they do not merely

commit individual criminal acts; they undermine the entire architecture of the rule of law. The lower court's reliance on these forged records to insulate itself from accountability creates a "culture of impunity" that is a matter of profound public interest.

The Supreme Court of the United States has the inherent supervisory power to ensure that the lower courts remain faithful to the most basic requirements of the judicial process. This Court must intervene to determine whether state judicial officers may prioritize the protection of their own institutional interests—through the systemic forgery and destruction of the public record—over the fundamental due process rights of the citizenry. Allowing this dismissal to stand would constitute a judicial endorsement of criminal misconduct, effectively declaring that those sworn to uphold the law are permitted to operate above it.

D. A Demonstrable Pattern of Record Falsification and Judicial Complicity Across Related Proceedings Compels this Court's Intervention.

This petition is not an isolated challenge to a single lower court ruling, but a necessary appeal to address a pervasive pattern of judicial malfeasance across multiple related proceedings, including *Elkharwily v. Kaiser Permanente, et al.* (Supreme Court No. 25-6717. See Petition for Rehearing) and the related litigation (*Alaa Elkharwily et al. v. Mohamed E. El-Kharwely, et al.* (Supreme Court Application No. 25A1432 currently pending in this court). case). In these proceedings, the same judicial actors and court personnel have engaged in an identical, coordinated strategy: the systematic destruction, concealment, and forgery of the official record to insulate the court and its co-defendants from accountability. In *Elkharwily v. Kaiser Permanente*, and as in this matter now before this Court, the official record was criminally mutilated and falsified by court personnel to manufacture procedural defaults. Similarly, in the "slay" case, Petitioner has documented the same pattern of transcript impersonation, record destruction, and the unlawful suppression of evidence intended to obstruct justice. The fact that

these actions have occurred with uniformity across multiple, distinct cases confirms that this is not the result of clerical error, but of a coordinated enterprise designed to subvert the Due Process Clause of the Fourteenth Amendment.

The judiciary's use of its own forged records to dismiss these cases, while simultaneously denying Petitioner any legitimate access to the true docket, demonstrates a "fraud on the court" that fundamentally destroys the legitimacy of the proceedings. The Supreme Court must exercise its supervisory authority to address this "culture of impunity" where court officers weaponize the record to destroy the rights of litigants who expose their misconduct. The public interest in an honest, transparent, and impartial judicial system—free from the systemic forgery and destruction of public records—demands that this Court grant review to halt this ongoing enterprise.

E- The Systemic Nature of These Violations Constitutes Criminal Misconduct by State Actors, Requiring this Court's Supervisory Intervention.

The undisputed and conclusive evidence presented as part of the state court records—the deliberate forgery, mutilation, and destruction of court records—extends beyond individual procedural error to a **pattern of criminal misconduct perpetrated by state actors**.

This is not a mere "fraud on the court" in the civil sense; it is an organized subversion of the judicial process where court personnel and judicial officers have acted in concert to weaponize the record for self-protection.

Under the principles of *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944), this Court has a clear mandate to intervene. The state courts cannot be permitted to remain "mute and helpless" when they have actively participated in the fabrication of evidence. When state actors—specifically those charged with the custody of public records—engage in criminal forgery and destruction to shield their own liability and that of their co-defendants, they destroy the fundamental legitimacy of the state judicial system.

The public interest demands that this Court intervene where the state system has been compromised by such a pattern of criminal reprisal.

Allowing these judgments to stand would constitute a judicial endorsement of criminality, effectively signaling that the federal guarantee of due process does not apply to those who operate the levers of state power. This Court must exercise its supervisory authority to ensure that the rule of law is preserved and that the judiciary does not become an engine for the criminal destruction of its own records.

F-Finally, the urgency of this intervention is underscored by the failure of prior attempts to address these abuses. Despite the denial of petitions for a writ of certiorari in related cases, including *Wall Street Apartments, LLC v. All Star* (No. 22-1082) and *Simon v. Strand* (No. 22-1084), the documented record falsification and judicial misconduct have not been remedied; they have escalated. The state judicial system has interpreted the denial of prior petitions as tacit permission to continue its criminal course, leveraging the structural impossibility of securing an impartial hearing to silence whistleblowers and insulate judicial officers from federal accountability. This Court must now act to confirm that the integrity

of the federal judicial system is not subordinate to the unchecked criminal conduct of state-level actors.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted. The systemic forgery, destruction of public records, and the presiding judges' irreconcilable conflicts of interest have fundamentally subverted the requirements of the Due Process Clause of the Fourteenth Amendment. This Court must exercise its supervisory authority to restore the integrity of the judicial process and to ensure that the "agencies of public justice" do not remain "impotent" in the face of such clear deception and fraud, as established in *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944).

Respectfully submitted,

Date: July 5, 2026 s/