

26-5811

ORIGINAL

No. _____

**IN THE
SUPREME COURT OF THE UNITED STATES**

FILED

MAY 15 2026

**OFFICE OF THE CLERK
SUPREME COURT, U.S.**

**ABRAHIM FATA, Petitioner
VS.
COMMONWEALTH OF PENNSYLVANIA, Respondent(s)**

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

PETITION FOR WRIT OF CERTIORARI

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QUESTION(S) PRESENTED

1. Whether the Fourteenth Amendment's Due Process Clause prohibits a state appellate court from applying a discretionary procedural rule to find an appeal "waived" when a pro se litigant has substantially complied with the rule's substantive requirements and the Commonwealth shows no prejudice.
2. Whether the state's refusal to review a sentencing record containing extensively materially false information-specifically a false allegation of stalking a minor which the trial court admitted it should not consider-violates the fundamental right to a meaningful opportunity to be heard when that refusal is based solely on a structural formatting error in a pro se brief.

LIST OF PARTIES

A list of all parties to the proceeding in the court whose judgment is the subject of this petition is provided below.

- Abraham Fata, Petitioner.
- Commonwealth of Pennsylvania, Respondent.

RELATED CASES

- Commonwealth v. Fata, No. 480 MAL 2025 (Supreme Court of Pennsylvania).
- Commonwealth v. Fata, No. 563 EDA 2024 (Superior Court of Pennsylvania).
- Commonwealth v. Fata, No. CP-39-CR-4857-2017 (Lehigh County Court of Common Pleas).

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- APPENDIX B Order denying the Petition for Allowance of Appeal (Feb. 19, 2026)
- APPENDIX C Memorandum opinion of the Superior Court of Pennsylvania (April 23, 2025)
- APPENDIX D [Insert Decision of Lehigh County Court of Common Pleas]

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- U.S. Const. amend. XIV, § 1: "...nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

TABLE OF AUTHORITIES CITED

CASES:

- Erickson v. Pardus, 551 U.S. 89 (2007)
- Haines v. Kerner, 404 U.S. 519 (1972)
- Mathews v. Eldridge, 424 U.S. 319 (1976)
- Townsend v. Burke, 334 U.S. 736 (1948)
- United States v. Qazi, 975 F. 3d 989 (2020)

STATUTES AND RULES:

- 28 U.S.C. § 1257(a)
- 42 Pa.C.S. § 2154.4
- Pa.R.A.P. 105(a)
- Pa.R.A.P. 2119(f)

Opinions Below

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

For cases from state courts:

The opinion of the highest state court to review the merits appears at Appendix A & B to the petition and is unpublished.

The opinion of the Superior Court of Pennsylvania appears at Appendix C to the petition and is unpublished.

JURISDICTION

For cases from state courts:

The date on which the highest state court decided my case was Feb. 19, 2026. A copy of that decision appears at Appendix B.

A timely petition for rehearing was thereafter denied on the following date: April 14, 2026, and a copy of the order denying rehearing appears at Appendix A.

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

STATEMENT OF THE CASE

This case involves a total deprivation of appellate review for a pro se litigant based on a formalistic preference for formatting headers over substantive legal arguments. Petitioner was sentenced on January 16, 2024, to a term of 9 to 23 months following a probation revocation. During the sentencing hearing, the Commonwealth's probation officer introduced extensively false allegations concerning the "stalking of a minor"-a claim the trial court explicitly stated it was "not considering," yet which remained a permanent part of the record influencing the sentencing recommendation.

Petitioner appealed pro se, raising these issues. The Superior Court of Pennsylvania refused to reach the merits, ruling that Petitioner "waived" his claims by failing to include a Rule 2119(f) statement header. Petitioner maintains he did comply with the substance of the rule within the body of his brief (pp. 26-27), articulating the exact reasons for the appeal. Under the binding authority of this Court, a document filed pro se is "to be liberally construed" and held to "less stringent standards than formal pleadings drafted by lawyers." *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (citing *Haines v. Kerner*, 404 U.S. 519, 520 (1972)). The state's refusal to apply this required standard resulted in a total denial of Petitioner's right to a meaningful appeal.

REASONS FOR GRANTING THE PETITION

1. The Procedural Waiver Violates the 14th Amendment. "The fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner." *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). By applying a discretionary procedural rule as an absolute bar to a pro se litigant who substantially complied with its requirements, the Pennsylvania courts have sanctioned a departure from accepted judicial practices that eliminates the constitutional right to appeal. **Rule 10(a)**

2. Refusal to Correct a Record Based on False Information. In *Townsend v. Burke*, 334 U.S. 736 (1948), this Court held that a sentence violates Due Process if it is based on "misinformation of constitutional magnitude" or "assumptions concerning [a] criminal record which were materially untrue." Here, Petitioner is penalized by a record containing false allegations of stalking a minor. The state's reliance on a technicality to avoid correcting this "materially false" information is a significant departure from constitutional norms requiring this Court's supervisory authority.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

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Date: May 15, 2026

