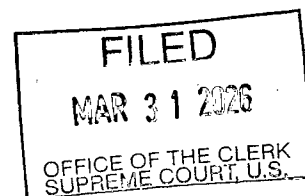


No. 26-5882



ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

In Re ABDOOL AZEEZ, - PETITIONER

VS.

SUPERINTENDENT MICHAEL RITTER et al - RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF
APPEAL FOR THE SECOND CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

PRO SE PETITIONER
ABDOOL AZEEZ DIN 18-A-0314
EASTERN NY CORRECTIONAL FACILITY
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QUESTION PRESENTED

1. WHETHER THE ISSUE OF SUBJECT MATTER JURISDICTION MUST BE RESOLVED FIRST BEFORE A COURT CAN ADDRESSES THE MERIT OF AN ACTION BENDER V. WILLIAMSPORT AREA SCH. DIST., 475 U.S. 534, 541, 106 S.CT. 1236, 89 L.ED.2D 501 (1986) AND WHETHER SUBJECT MATTER JURISDICTION CAN BE CREATED BY THE COURTS THEMSELVES PRIEL EX REL V. LINARELLO, 7 MISC.3D 64, AT 778 (2005)?
2. CAN AN ACCUSED BE CONVICTED OF A CRIME(S) FOR WHICH HE WAS NOT CHARGED JACKSON V. VIRGINIA, 443 U.S. 307, AT 314, 99 S.CT. 2781, 61 L.ED.2D 560 (1997), AND WHETHER THERE EXISTS ANY COMMON LAW OR STATUTORY AUTHORITY PROSCRIBING OR PERMITTING PROSECUTORS AND JUDGES TO SUBSTITUTE THEIR JUDGMENT FOR THAT OF A GRAND JURY PEOPLE V. LEGRAND, 142 MISC.2D 151, 536 N.Y.S.2D 660 SUP. CT. KINGS COUNTY (DEC. 14, 1988); PEOPLE V. DYKES, 86 A.D.2D 191, AT 288 (1982)?
3. DOES THE FOURTH, FIFTH, SIXTH, EIGHTH AND FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION AND ARTICLE 1 §5, 6, 11, & 12 OF NEW YORK CONSTITUTION PERMIT THE GOVERNMENT TO PROSECUTE A PERSON ACCUSED OF A SEX CRIME DIFFERENTLY FROM THOSE ACCUSED OF OTHER CRIMES CITY OF CLEBURNE V. CLEBURNE LIVING CTR., 473 U.S. 432, 439, 105 S.CT. 3249, 87 L.ED.2D 313 (1985)?

4. WHETHER THE WESTCHESTER COUNTY SUPREME COURT JUDGE SUSAN CASCCE HAD JURISDICTION TO TRY, CONVICT AND COMMIT PETITIONER WITHOUT EVIDENCE OF A CHARGED MADE AGAINST HIM BY THE WESTCHESTER COUNTY GRAND JURY ON FEBRUARY 7, 2017 AND FEBRURY 14, 2017, ACCORDING TO ARTICLE ONE SECTION SIX AND, ARTICLE SIX SECTION 7[A] OF NEW YORK CONSTITUTION, C.P.L. § 10.20 (2), C.P.L. § 210.05, C.P.L. § 200.10, AND WHETHER THE JUDGEMNT OF CONVICTION DEPRIVE PETITIONER OF HIS FUNDAMENTAL RIGHTS GUARANTEE BY THE FOURTH, FIFTH, SIXTH, EIGHTH, & FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION AND ARTICLE 1 § 5, 6, 11, & 12 OF NEW YORK CONSTITUTION, 42 U.S.C.A. §§ 1981, 1983-986, AND NEW YORK CIVIL RIGHTS LAW § § 8, 10, 11, 12, & 40-C AND MANDATE DISMISSAL OF THE WESTCHESTER COUNTY SENTENCE AND COMMITMENT MANDATE AND PETITIONER IMMEDIATE DISCHARGE FROM CUSTODY?
5. WHETHER PETITIONER DUE PROCESS AND EQUAL PROTECTION CONSTITUTIONAL RIGHT TO BE INFORMED OF THE NATURE AND CAUSE OF THE ACCUSATION AGAINST HIM HAS BEEN VIOLATED PURSUANT TO U.S. CONST., 6TH & 14TH AMDT. & N.Y. CONST., ART. 1 §§ 6, & 11, WHERE THE STATE TOOK 2448 DAYS AFTER THE INITIAL GRAND JURY TO INFORM HIM THAT THEY HAD PRESENTED HIS CASE TWICE TO THE GRAND JURY WITHOUT PROVIDING EVIDENCE OF THE PROCEEDINGS HARRIS V. NELSON, 394 U.S. 286 (1969)?

6. WHETHER PETITIONER WAS DEPRIVED OF HIS CONSTITUTIONAL RIGHT TO EFFECTIVE LEGAL REPRESENTATION BY TRIAL COUNSEL FOR FAILING TO FILE HER MOTION TO DISMISS THE INDICTMENT AND WHETHER PETITIONER WAS DEPRIVED OF HIS CONSTITUTIONAL RIGHTS TO EFFECTIVE LEGAL REPRESENTATION BY APPELLATE COUNSEL FOR FAILING TO ARGUE THAT TRIAL COUNSEL WAS INEFFECTIVE FOR FAILING TO FILED HER MOTION TO DISMISS THE INDICTMENT ON THE MERIT THAT "THE INDICTMENT CHARGING MR. AZEEZ IS NOT A PROPER INDICTMENT PURSUANT TO C.P.L. § 200.50 AND §190.65 SEE. PEOPLE V. VILLEGAS, 46 MISC.3D 232, 233, 994 N.Y.S.2D 534, 535 (SUP. CT. 2014)?
7. CAN A UNITED STATES DISTRICT COURT RULE ON THE MERIT OF A STATE CASE IF THE JUDGMENT WAS OBTAIN BY A COURT, WHICH HAD NO JURISDICTION OF THE PARTY OR OF THE CAUSE AND CAN A DISTRICT COURT JUDGE MAKE JURISDICTIONAL CLAIMS AND ADVANCE JURISDICTIONAL ARGUMENTS FOR A STATE CASE WITHOUT EVIDENCE TO SUPPORT THE JURISDICTIONAL FACTS U.S. GYPSUM CO. V. LAFARGE NORTH AMERICAN, INC., 508 F.SUPP.2D 601 AT 642 (2007); HICKS V. BAINES, 593 F.3D 159, 166 (2D. CIR. 2010)?
8. WHETHER THE DISTRICT COURT JUDGE HONORABLE KENNETH M. KARAS, HAD JURISDICTION TO ADOPT THE MAGISTRATE JUDGE JUDITH C. MCCARTHY REPORT AND RECOMMENDATION WHERE PETITIONER WAS NOT GIVEN NOTICE OF THE REPORT AND RECOMMENDATION, NOTICE OF THE SUMMARY JUDGMENT AND AN OPPORTUNITY TO OBJECT AND WHETHER THE DISTRICT COURT

DECISION DEPRIVE PETITIONER OF HIS FUNDAMENTAL CONSTITUTIONAL RIGHTS TO DUE PROCESS AND EQUAL PROTECTION OF LAW PURSUANT TO THE SIXTH AND FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION, CLEBURNE V. CLEBURNE LIVING CTR., 473 U.S. 432, 439, 105 S. CT. 3249, 87 L. ED. 2D 313 (1985) AND MANDATE VACATION OF THE JUDGEMENT, SNIDER V. MELINDEZ, 199 F.3D 108, 113 (2D CIR. 1999)?

9. ACCORDING TO ADA SHEA LOMMA GRAND JURY PROCEDURES, THE QUESTION IS WHETHER THE STATE JURISDICTIONAL FACTS CAN BE CONSIDERED AS NEWLY DISCOVERED EVIDENCE PURSUANT TO 28 U.S.C.A. § 2244(d)(1),(D), TO OVERCOME THE UNTIMELINESS OF PETITIONER HABEAS CORPUS PETITION OR WHETHER IT SHOULD BE CONSIDERED AS THE DATE WHEN THE ONE YEAR A.E.D.P.A. STATUTORY TIME LIMITATION BEGINS SINCE NEITHER PETITIONER NOR HIS ATTORNEY WAS GIVEN NOTICE OF SUCH JURISDICTIONAL PROCEDURES PRIOR TO ARRAIGNMENT OR TRIAL NOR THE OPPORTUNITY TO OBJECT PURSUANT TO MATHEWS V. ELDRIDGE, 424 U.S. 319, 334 (1976); ARMSTRONG V. MANZO, 380 U.S. 545, 552, 85 S. CT. 1187, 1191, 14 L. ED. 2D 62; AND THE SIXTH AND FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION?

10. WHETHER PETITIONER APPLICATION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C.A. § 2254(a) SHOWS THAT HE IS IN CUSTODY IN VIOLATION OF THE CONSTITUTION OR LAW OR TREATIES OF THE UNITED STATES AND MANDATES HIS IMMEDIATE RELEASE FROM CUSTODY HERRERA, 506 U.S. AT 417, 113 S. CT.

853; MARTINEZ V. MCALEENAN, 385 F.SUPP. 3D 349, U.S.D.C, S.D. N.Y. [JUNE 14, 2019]), 28. U.S.C.A. § 2241?

11. WHETHER THE FEDERAL COURT OF APPEALS HAS A SPECIAL OBLIGATION TO SATISFY ITSELF NOT ONLY OF IT'S OWN JURISDICTION, BUT ALSO THAT OF THE LOWER COURTS IN A CAUSE UNDER REVIEW WHERE THE JURISDICTION OF THE LOWER COURT IS QUESTIONABLE BENDER V. WILLIAMSPORT AREA SCH. DIST., 475 U.S. 534, 541, 106 S.CT. 1236, 89 L.ED.2D 501 (1986); RHULEN AGENCY, INC. V. ALA. INS. GUAR. ASS'N, 896 F.2D 674, 768(2D CIR. 1990); TRAVELERS INS. CO. V. CARPENTER, 411 F.3D 323, 328 (2D CIR. 2005)?

12. WHETHER THE U.S. CIRCUIT JUDGE JOSEPH F. BIANCO, MICHAEL H. PARK, AND SARAH A. L. MERRIAM, DECISION AZEEZ V. LILLEY, 2026 WL 214203, CONTRADICT WITH THE DECISION FREDRICKS V. SHAHEEN, 2025 WL 1949898 (2D CIR. 2025), AND WITH THE CONTROLLING CASES CITED IN THE DECISION AND IN PETITIONER ARGUMENTS, AND WHETHER THE COURT OF APPEALS DECISION VIOLATE PETITIONER CONSTITUTIONAL RIGHTS TO DUE PROCESS AND EQUAL PROTECTION OF LAW PURSUANT TO THE SIXTH AND FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION, CLEBURNE V. CLEBURNE LIVING CTR., 473 U.S. 432, 439, 105 S.CT. 3249, 87 L.ED.2D 313 (1985) AND MANDATE VACATION OF THE JUDGEMENT?

13. WHETHER THERE WAS JURISDICTION TO ISSUE A CERTIFICATE OF APPEALABILITY UNDER 28 USCA § 2253(C) (2), MILLER-EL. V. COCKRELL, 537 U.S. 322, 123 S.C.T. 1092, 154 L.ED.2D 931(2003) (CITING: SLACK V. MCDANIEL, 529 U.S. 473, 478, 120 SCT. 1595, 146 L.ED.2D 542(2000) AND TO ADJUDICATE PETITIONER APPEAL?

14. WHETHER THIS COURTS SHOULD EXERCISE ITS JURISDICTIONAL POWER 28 U.S.C.A. 1651, & SCRIPPS-HOWARD RAIDO V. F.C.C., 316 U.S.4, 9-10 (1942), TO PREVENT ENFORCEMENT OF THE JUDGMENT ISSUE BY JUDGE SUSAN CACACE, JUDGE KENNETH M. KARAS, JOSEPH F. BIANCO, MICHAEL H. PARK, AND SARAH A. L. MERRIAM, AND TO COMPEL THEIR VACATION BY THE ISSUANCE OF A WRIT OF CERTIORARI, WRIT OF MANDAMUS, WRIT OF PROHIBITATION, WRIT OF INJUNCTION, EMERGENCY STAY OR ONE OR MORE OF SUCH WRIT TO PROMOTE THE END OF JUSTICE TO RESTORE PETITIONER LIBERTY IMMEDIATELY TO THE STATUS HE ENJOYED BEFORE HIS ILLEGAL RESTRAIN OF HIS LIBERTY, AND TO MAINTAIN UNIFORMITY OF THE COURT'S DECISION AND TO SAFEGUARD PUBLIC INTEREST IN THE INTEGRITY OF THE CRIMINAL JUSTICE SYSTEM WHERE THE STATE AND FEDERAL OFFICIAL(S) AND COURT(S) CONDUCT EXPRESS CONDUCT OF A PATTERN OF RACKETEERING ACTIVITY, CORRUPTION, BROAD CONSPIRACY, FRAUD, AND COVER-UP WHICH REASONABLE JURIST WOULD AGREE WAS COMMITTED PURSUANT TO, 18 U.S.C.A. § 1962. PROHIBIT ACTIVITIES, 18 U.S.C.A. § 1002 POSSESSION OF FALSE PAPERS TO DEFRAUD UNITED STATES, 18 U.S.C.A. § 3, ACCESSORY AFTER THE FACTS, 10 U.S.C.A. § 905. ART 105. FORGERY,

10 U.S.C.A. § 907. ART 107. FALSE OFFICIAL STATEMENTS; FALSE SWEARING, 18 U.S.C.A. § 241. CONSPIRACY AGAINST RIGHTS, 18 U.S.C.A. § 2340A. TORTURE, 18 U.S.C.A. § 242. DEPRIVATION OF RIGHTS UNDER COLOR OF LAW, 18 U.S.C.A. § 373. SOLICITATION TO COMMIT A CRIME OF VIOLENCE, 18 U.S.C.A. § 1623. FALSE DECLARATION BEFORE GRAND JURY OR COURT, 18 U.S.C.A. § 494. CONTRACTOR'S BONDS, BIDS, AND PUBLIC RECORDS, 18 U.S.C.A. § 1017. GOVERNMENT SEALS WRONGFULLY USED AND INSTRUMENTS WRONGFULLY SEALED, 18 U.S.C.A. § 1622. SUBORNATION OF PERJURY, 18 U.S.C.A. § 1001. STATEMENTS OR ENTRIES GENERALLY, 18 U.S.C.A. § 1201 KIDNAPPING, AND PURSUANT TO NEW YORK PENAL LAW § 210.45, PL § 210.40, PL § 210.35, PL § 210.15, PL § 210.10, PL § 215.40 (1) (2), PL § 200.20, PL § 200.22, PL § 200.25, PL § 200.27, PL § 200.56, PL § 170.10 (2) (3), PL § 170.05, PL § 170.25, PL § 170.20, PL § 175.40, PL § 175.35 (1) (2), PL § 175.30, PL § 175.25, PL § 175.20, PL § 195.00, PL § 195.20 (A) (I), PL § 195.30, PL § 190.65 (1) (A), PL § 190.60 (1), PL § 496.02, PL § 135.25, 2 (A) (B) (C) (D), PL § 135.20, PL § 135.10, PL § 135.05, PL § 105.15, PL § 105.10, PL § 105.00, PL § 115.05, PL § 115.00, PL § 100.10, PL § 100.05, PL § 205.65, PL § 205.60, PL § 205.55, PL § 120.05 (7), NYS. ST. RPC. RULE 3.8, 8.3, 8.4, 22 NYCRR 100.1, 100.2, 100.3, 100.4?

LIST OF PARTIES

PRO SE PETITIONER (S)

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DISTRICT ATTORNEY SUSAN CACACE,
111 DR. MARTIN LUTHER KING, JR., BLVD.,
WHITE PLAINS, N.Y. 10601

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NOTE: SUPERINTENDENT LYNN LILLY IS NO LONGER THE SUPERINTENDENT FOR
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RELATED CASES

People v. Azeez, 193 A.D. 3d 752 (April 07, 2021). Appellate Division Second Judicial
Department, Docket # AD 2018-01663.

People v. Azeez, 37 N.Y. 3d 990 (August 26, 2021). New York State Court of Appeals. Docket #
CLA-2021-00629.

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Supreme Court. Docket # 22091-20.

People ex rel Azeez v. Noeth, 193 AD.3d 1370 (April 30, 2021). Appellate Division Fourth
Department. Docket KAH 20-01349.

People ex rel Azeez v. Noeth, 37 N.Y.3d 1084 (November 18, 2021). New York State Court of Appeals. Docket # Mo. No 2021-659.

Second State Habeas Corpus Petition filed with Appellate Division Fourth Department. Docket # OP 20-01209, (this decision is not reported).

People ex rel Azeez v. Superintendent Lynne Lilly Eastern Correctional Facility, 2022 WL 4588608 (September 29, 2022). Appellate Division Third Department. Docket # 535882.

People ex rel Azeez v. Superintendent Lynne Lilly Eastern Correctional Facility, 39 N.Y.3d 1058 (February 9, 2023). New York State Court of Appeals. Docket # Mo. No 2022-809.

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OTHER

The facts surrounding Petitioner case reveal what has been foretold in Second Timothy CH. 4, from the Holy Bible. "It has been foretold, that a time would come when men will not put up with sound doctrine/law, instead to suit their own desires/judgments, they will gather a great number of teachers/judges to say what their itching ears want to hear/to say what they speculate in their opinions is correct."

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR A WRIT OF CERTIORARI

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

OPINIONS BELOW

The opinion of the United States Court of Appeals appears at (Appendix A) to the petition and is reported at *Azeez v Lilley*, 2026 WL 214203 (January 5, 2026), Docket No. 25-1865. The opinion of the United States District Court for Judge Kenneth M. Karas from the Southern District of New York, appears at (Appendix B) to the petition and is reported at *Azeez v Lilly*, 2025 WL 1827265. Docket No: 22-CV-06028(KMK)(JCM). The opinion of the United States District Court for the Magistrate Judge Judith C. McCarthy from the Southern District of New York, appears at (Appendix C) to the petition and is reported at *Azeez v. Lilly*, 2024 WL 6047645. Docket No: 22-CV-06028(KMK)(JCM).

The decision of the New York States Court of Appeals is reported at *People v Azeez*, 37 N.Y. 3d 990 (August 26, 2021). Docket # CLA-2021-00629; *People ex rel Azeez v Noeth*, 37 N.Y.3d 1084 (November 18, 2021. Docket # Mo. No 2021-659; *People ex rel Azeez v. Superintendent Lynne Lilly Eastern Correctional Facility*, 39 N.Y.3d 1058 (February 9, 2023). Docket # Mo. No 2022-809, appears at (Appendix D) to the petition.

The sentence and commitment mandate of the Westchester County Supreme Court issued by Judge Susan Cacace on January 9, 2018 *People v Azeez Westchester County Indictment Number 17-0075*; Wyoming County Supreme Court. *People ex rel. Abdool Azeez v Noeth*, 202 WL 9893050 (May 15, 2020). Docket # 22091-20; Ulster County Supreme Court *People ex rel. Abdool Azeez v Superintendent Michael Ritter*, Index No.: 2026-1713, dated July 28, 2026, appears at (Appendix E) to the petition.

The decision of the New State Supreme Court for the Second Judicial Department is reported at *People v Azeez*, 193 A.D. 3d 752 (April 07, 2021). Docket # AD 2018-01663; Appellate Division Fourth Department. *People ex rel Azeez v Noeth*, 193 AD.3d 1370 (April 30, 2021); Docket KAH 20-01349; 2022 WL 4588608 (September 29, 2022); Appellate Division Third Department. *People ex rel Azeez v Superintendent Lynne Lilly Eastern Correctional Facility*, Docket # 535882, appears at (Appendix F) to the petition.

On January 12, 2026, Petitioner filed a COMPLAINT AND DECLARATION IN SUPPORT OF ORDER TO SHOW CAUSE FOR EMERGENCY STAY/INJUNCTION AND RESTRAINING ORDER AND FOR DISMISSAL OF THE JUDGMENTS PURSUANT TO F.R.A.P. Rule 8(a)(1), F.R.CRule 60(b)(3)(4),(d)(1)(2)(3, F.R.C.P RULE 65, AND F.R.C.P RULE 41(b), with the United States District Court for the Southern District of New York. Naming Superintendent Lynn Lilly, Eastern N.Y. Correctional Facility, Judge Kenneth M. Karas, and Judge Judith C. McCarthy as defendants. On January 29, 2026 The District Court judge Kenneth M. Karas re-open petitioner case under Docket Number: 1: 26-CV-795 no opposition was filed. On February 25, 2026 the district court chief judge Laura Taylor Swain issue an order directing payment of fees or IFP application and prisoner authorization only if Petitioner intends to commence a new civil action. Petitioner mail a letter on March 5, 2026 notifying the Court that he is not opening a new civil matter and he did not pay the \$405.00 fees nor submit the IFP application and prisoner authorization. On March 30, 2026 the district court chief judge Laura Taylor Swain issue an order of dismissal because Petitioner has not filed the IFP application and prisoner authorization, and on March 31, 2026 she dismiss the action for the same reason stated in the March 30,2026 order. These decisions appear at (Appendix G) to the petition they are not published on Westlaw.

On April 9, 2026 Petitioner filed an Application for *in forma Pauperis* (IFP) with Prisoner Authorization, Order to Show Cause, Motion in support of Order to Show Cause and A MOTION IN SUPPORT OF ORDER TO SHOW CAUSE FOR EMERGENCY STAY/INJUNCTION, TO VACATE AND DISMISS THE JUDGMENT PURSUANT TO F.R.A.P. Rule 8(a)(1), F.R.C.P RULE 65, F.R.C.P Rule 60(b)(3)(4)(6),(d)(1)(2)(3), & F.R.C.P RULE 41(b), with the United States District Court for the Southern District of New York. Naming SUPERINTENDENT LYNN LILLEY EASTERN N.Y. CF., WESTCHESTER COUNTY D.A. SUSAN CACACE, A.D.A. JOYCE MILLER, A.D.A. SHEA S. LOMMA, S.D.N.Y. DISTRICT COURT JUDGE KENNETH M. KARAS, S.D.N.Y. MAGISTRATE JUDGE JUDITH C. MCCARTHY as respondent/defendant. Petitioner wrote the court and called the court multiples times to follow up on the status but until this present date no decision has been made and the court never respond to his request.

On May 20, 2026 Petitioner filed a Petition for Writ of habeas Corpus with the Ulster County Supreme Court it was filed on June 20, 2026, with the county clerk office. It was assigned the Index No.: 2026-1713, *People ex rel Azeez v Superintendent Michael Ritter Eastern Correctional Facility*. The Supreme Court served the Petition upon respondent on June 22, 2026 and issues a writ of habeas corpus directing respondent to file a response before June 26, 2026. On June 25, 2026, Petitioner received respondent return and opposition and on June 30, 2026 Petitioner filed his reply and opposition to respondent return and opposition. On July 19, 2026, Petitioner filed a Petition for Emergency Stay and Injunction relief. Thereafter the Ulster County Supreme Court Judge Julian Schreibman intentionally and maliciously ignored Petitioner cry for life and justice and on July 28, 2026 she swiftly issue a decision which denied and dismissed his petition for writ of habeas corpus without conducting a hearing on the merit on Petitioner claims in his petition, his reply and in his application for emergency stay and

injunction just like what the United States district court and the United States court of appeals did. This decision is not published, a copy of it is attach here as (APPENDIX (E)).

JURISDICTION

On January 5, 2026, the United States Court of Appeals denied Petitioner habeas corpus appeal. And on March 23, 2026, the United States Court of Appeals denied Petitioner request to file late motion for en banc review. On March 30, 2026, petitioner mail his Petition for Writ of Certiorari, for Emergency Stay/Injunction and Restraining Order, Writ of Mandamus, Writ of Prohibition to the United States Supreme Court and he served it upon all the respondents. On June 27, 2026 the Clerk of this Court Scott S. Harris/Susan Frimpong wrote petitioner and advise him that he cannot combine a petition for writ of certiorari with other application. The clerk advise petitioner that he have to submit each application separately according to Rules 14, 20, 22, and 23, within 60 days of the date of the letter. (See a copy of the Clerk of the Supreme Court Letter dated June 27, 2026 attach here as **Appendix (H)**). In this regard the Petition is timely filed and jurisdiction is confirmed upon this court to review the lower court's decision.

This petition is filed pursuant to the authority to issue a writ of certiorari is vested in this court by the provisions of Section 1651 (a), Title 28, United States Code 28 U.S.C.A. § 1651 (a)**Error! Bookmark not defined.**, Rule 20 of the Rules of this Court (U.S. Sup. Ct. R. 20), 28 U.S.C.A § 1254 (1), 28 U.S.C.A. § 2101(c)(f), 28 U.S.C.A. §2102, 28 U.S.C.A. § 2106, and 28 U.S.C.A. § 453, in order to prevent enforcement of the United States Court of Appeals judgment *Azeez v. Lilley* 2026 WL 214203, the United States District Court judgment *Azeez v. Lilly*, 2025 WL 1827265, *Azeez v. Lilly*, 2024 WL 6047645, and the Westchester County Supreme Court sentence and commitment mandate issue by Judge Susan Cacace on January 9, 2018. *People v. Azeez Westchester County Indictment Number 17-0075*, for the reason that the lower state and federal courts had no power to enter their judgment against

Petitioner, because he has been kidnapped by the government and illegally restrain of his liberty for fabricated crime which he was not charged with by a grand jury and the lowers state and federal courts have engage in a pattern of racketeering activity, corruption, broad conspiracy fraud and cover-up to deprive him of his life, liberty, property, due process and equal protection of the law as is more fully alleged and argued below.

CONSTITUTIONAL AND STATUTO PROVISIONS INVOLVED

Fourth Amendment of the United States Constitution

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized

Fifth Amendment of the United States Constitution

***No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law;

Sixth Amendment of the United States Constitution

In all criminal prosecutions, the accused shall enjoy the right *** to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

Eighth Amendment of the United States Constitution

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Fourteenth Amendment of the United States Constitution

***No State shall make or enforce any law, which shall abridge the privileges or immunities of citizens of the United States; 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.

New York Constitution article 1 section 5

Excessive bail shall not be required nor excessive fines imposed, nor shall cruel and unusual punishments be inflicted, nor shall witnesses be unreasonably detained.

New York Constitution article 1 section 6

No person shall be held to answer for a capital, or otherwise infamous crime, unless on indictment of a Grand Jury; In any trial in any court whatever the party accused shall be allowed to appear and defend in person and with counsel as in civil actions and shall be informed of the nature and cause of the accusation and be confronted with the witnesses against him or her. *** nor shall he or she be compelled in any criminal case to be a witness against himself or herself; The power of grand juries to inquire into the willful misconduct in office of public officers, and to find Indictments or direct the filing of information's in connection with such inquiries, shall never be suspended, or impaired by law. No person shall be deprived of life, liberty, or property without due process of law.

New York Constitution article 1 section 11

No person shall be denied the equal protection of the laws of this state or any subdivision thereof. No person shall, because of race, color, creed, or religion, be subjected to any discrimination in his or her civil rights by any other person or by any firm, corporation, or institution, or by the state or any agency or subdivision of the state.

STATUTES

28 U.S.C.A. § 1651 (a) "The Supreme Court and all Courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdiction and agreeable to the usages

and principle of law; (b) An Alternative writ or rule nisi may be issued by a justice or judge of a court which has jurisdiction.

F.R.C.P. 41- Federal Rules of Civil Procedure 41(b) permits the Court to dismiss an action *sua sponte* for failure to prosecute...or failure to comply with an order of the Court.

New York Constitution article 6 section 7[a]. The Supreme Court shall have general original jurisdiction in law and equity and the appellate jurisdiction herein provided in the City of New York, it shall have exclusive jurisdiction over crimes prosecuted by Indictment.

CPL § 10.20 (2) Superior Courts have preliminary jurisdiction of all offences, but they exercise such jurisdiction only by reason of and through the agency of their grand juries.

CPL § 210.05 the only methods of prosecuting an offence in a Superior Court are by an Indictment filed therewith by a grand jury.

CPL § 200.10 An indictment is a written accusation by a grand jury, filed with a superior court, charging a person, or two or more person with the commission of a crime, or with the commission of two or more offenses at least one of which is a crime.

CPL § 190.75 (3), provides once charges pending before a Grand Jury have been dismissed, or deemed dismissed, they may not be resubmitted unless the Court, in its discretion, authorizes or directs the People to resubmit such charges to the same or another Grand Jury.

STATEMENT OF THE CASE

Petitioner have been kidnapped and illegally restrains of his liberty by the government for more than a decade now for fabricated sex crimes written on an unverified piece of paper which the Westchester County District Attorney called a Westchester County Indictment Number 17-0075. Judge Susan Cacace try, convict and commit Petitioner to prison by force for charged not made by a grand jury. On March 17, 2022 between 10:15 a.m. to 10:45 a.m., a Female District Attorney from the

Westchester County District Attorney Office and Aclaudia from the Westchester County Supreme Courthouse **confirmed that Judge Cacace issue the indictment and signed the grand jury foreperson signature that's on the alleged Westchester County indictment Number 17-0075;** on March 1, 2022, and on April 18, 2022, the Westchester County Clerk certify that there is no available record in the Court file of the grand jury sign in log sheet, and the name of the foreperson who sign and filed the unredacted Westchester County Indictment Number 17-0075 with the Westchester County Clerk's Office on February 23, 2017, upon which Petitioner conviction rest upon.

At this time Petitioner would like to inform this Honorable Court that the factual matters contained herein is presented in the light most favorable to him. Petitioner have consistently made and supported his factual allegations, and they have largely gone uncontested, by all three levels of New York State Courts, and by the lower federal courts. Nevertheless, neither the State Courts, the United States District Court for the Southern District of New York, nor the United States Court of Appeals for the Second Circuit made thorough finding on these matters and absent evidence to the contrary in the record, Petitioner statements of facts should be controlling.

On July 8, 2016, Detective Barranger from Bronx Police Department arrested Petitioner without a warrant and without conducting any investigation on a false complaint alleging that Abdool's engaged in sexual intercourse with RP at approximately 3:30 p.m., inside his vehicle in a hotel parking lot in the Bronx on December 18, 2013, December 19, 2013, and on January 15, 2014. Petitioner was later arraign that same night and was remanded into the custody of New York Department of Correction.

On July 12, 2016, the People present the case to the Bronx Grand Jury and RP testified in direct contradiction of the complaint, now alleging that Petitioner engaged in sexual intercourse with her, not in his vehicle in a hotel parking lot in the Bronx, but rather, inside of her grandparents' residence in Mount Vernon in the morning at "11:30 a.m." on December 18, 2013, December 19, 2013, and on

January 15, 2014, while both of her grandparents were at work. RP testified, "She remembered the alleged dates, because she was 'home on winter break' from her school" and "these were her first times ever having sexual intercourse"; a review of RP school records prove she was in class at her school in Bronx New York from 8:00 a.m. to 3:50 .p.m. on all three of the alleged dates; the Bronx County District Attorney had filed an unverified indictment against Petitioner which was subsequently dismissed on February 9, 2018, by the Court Hon. Ralph Fabrizio.

While Petitioner was still in custody, on August 19, 2016, Detective Robertson from the Mount Vernon Police Department filed a facially false felony complaint, accusing him of having sexual intercourse with RP on December 18, 2013 at 11:30 a.m. inside of her grandparent's residence located in Mount Vernon; On September 1, 2016, Petitioner was rearrested and arraigned on the false complaint, in Mount Vernon Criminal Court and was kept into Custody by New York and Westchester, County Department of Correction.

On February 7, 2017, the Westchester County Assistant District Attorney Joyce V. Miller presented the full case to the Westchester County Grand Jury, five witnesses testified **(1) Vanessa Prag, page 4-22 (2) Rachel Prag page 24-69 (3) Investigator Luis Martinez, page 71-87 (4) Detective James Barranger, page 89-103 and (5) Abdool Azeez, page 105-145**; RP testify that Petitioner engaged in sexual intercourse with her, inside of her grandparents' residence in Mount Vernon in the morning on December 18, 2013, December 19, 2013, and on January 15, 2014, while both of her grandparents were at work. RP testified, that She remember the alleged dates, because she was home on winter break from her school and these were her first times ever having sexual intercourse. A review of RP School records prove that she was in class at her school in Bronx New York from 8:00 a.m. to 3:50 .p.m. on all three of the alleged dates.

On February 8, 2017, the Westchester Assistant District Attorney Joyce V. Miller filed a "Certification of Indictment" stating that Abdool Azeez has been indicted for "a" felony by the Westchester County grand jury and he stand indicted pursuant to the Westchester County Indictment Number 17-0075. (See: **a copy of ADA Miller Certification of indictment attach as Exhibit 3 to S.D.N.Y. District Court Docket No: 22-CV-06028(KMK)(JCM) Doc. No 15**). On or about June 9, 2017, ADA Miller issue a single page unverified redacted undated copy of a document, which she alleged, is the Westchester County Indictment Number 17-0075. (See: **a copy of the alleged redacted Westchester County indictment #17-0075 attach as Exhibit 5 to S.D.N.Y. District Court Docket No: 22-CV-06028(KMK)(JCM) Doc. No 15**). On October 26, 2017, Judge Cacace issue another copy of a document which she state is the Westchester County Indictment # 17-0075 this copy have two date stamped on it February 23, 2017 and February 27, 2017 and it have a different signature on the foreperson signature line from the redacted copy (See: **a copy of the alleged unredacted Westchester County indictment #17-0075 attach as Exhibit 6 to S.D.N.Y. District Court Docket No: 22-CV-06028(KMK)(JCM) Doc. No 15**).

On October 6, 2017, Petitioner assigned attorney Joanna I. Karlitz from the Westchester County Legal Aid Society prepare and filed a motion for dismissal of his case. (See: **a copy of Joanna Karlitz motion for dismissal is attached to US district Court SDNY Docket No: 22-CV-06028(KMK)(JCM), at Doc. No. 15 Pet. Ground Three Exhibit 25**).

After RP school record, contradict her allegation, in the complaint and in her grand jury testimony at trial RP now alleged that she had sexual intercourse with Petitioner on the night of December 18, 2013, December 19, 2013, and on January 15, 2014, in her bedroom when her grandmother was in her bedroom next to her and while her grandfather was at work. (See: **S.D.N.Y. District Court Docket No: 22-CV-06028(KMK)(JCM) Doc. No 15 grounds three**). The trial juror

has wrongfully convicted Petitioner because he was arguing with his attorney for not defending him in the present of the grand jury. On January 9, 2018, Petitioner was sentence to 21 years in prison and 10 years post release.

Petitioner had filed multiple Appeals which are described in the Opinion section and Appendixes to the Petition. The relief sough here cannot be obtain in any other court, because Petitioner has being actively been retaliated against through judicial suppression which shock the conscience of fundamental fairness to the universal sense of justice and it is of great public importance.

**FACTS RELIED ON FOR ALLOWANCE OF THIS PETITION FOR
WRIT OF CERTIORARI FROM THE TRIAL COURT PROCEEDINGS**

Petitioner is pursuing this Action *Pro-Se*, the Court have an obligation to read Petitioner Pleadings Liberally. *Haines v. Kerner*, 404 U.S. 519 520-21 (1992), and the allegations accepted as true, *Cooper v. Pate*, 378 US 546 (1964). The Court must apply the Applicable Law irrespective of whether Petitioner mentioned it by name. *Holley*, 165 F.3d 244, 248 (3d. Cir. 1999). In *Bender v. Iliamsport Area Sch. Dist.*, 475 U.S. 534, 541, 106 S.Ct. 1236, 89 L.Ed.2d 501 (1986) the Courts held that every federal appellate court has a special obligation to satisfy itself not only of its own jurisdiction, but also that of the lower courts in a cause under review, even though the parties are prepared to concede it. *Mitchell v. Maurer*, 293 U.S. 237, 244, 55 S.Ct. 162, 165, 79 LEd. 338 (1934), *Juidice v. Vail*, 430 U.S. 327, 331 – 332, 97 S.Ct. 1211, 1215, 51 L.Ed.2d 376 (1977) (standing). [When the lower federal court] lack[s] jurisdiction we have jurisdiction on appeal, not of the merits but merely for the purpose of correcting the lower court in entertaining the suit. *United States v Corrick*, 298 US 435, 440, 56 S.Ct. 829, 831, 80 L.Ed. 1263 (1936).

As the United States Supreme Court correctly held: “*Objections to subject-matter jurisdiction may be raised at any time; thus, a party, after losing at trial, may move to dismiss the case because the*

*trial court lacked subject matter jurisdiction, and indeed, a party may raise such an objection even if the party had previously acknowledged the trial court's jurisdiction", quoting, **Henderson ex rel. Henderson v Shinseki**, 562 U.S. 428, at *435 (2011).*

In the case at bar Petitioner had made multiple objections before Judge Cacace that no indictment was filed against him by a Grand Jury but Judge Cacace, his trial attorneys Joanna Karlitz, Courtney McGowan and the prosecutor ADA Joyce Miller ignored him and continue to illegally prosecute him by force, See, Pre Trial page 11 & 12, and Trial Transcript page 876, also See: S.D.N.Y. District Court Docket No: 22-CV-06028(KMK)(JCM) Doc. No 15, 48, 50, 51, 70, & 73.

On February 7, 2017 the Assistant District Attorney "Joyce Miller" presented the full case to the Westchester County Grand Jury, five witnesses testified **(1) Vanessa Prag, page 4-22 (2) Rachel Prag page 24-69 (3) Investigator Luis Martinez, page 71-87 (4) Detective James Barranger, page 89-103 and (5) Abdool Azeez, page 105-145.** This was a full presentation of the case to the grand jury because the state only provided a copy of these grand jury transcripts to Petitioner. On February 8, 2017, the Westchester Assistant District Attorney Joyce V Miller filed a "Certification of Indictment" stating that Abdool Azeez has been indicted for "a" felony by the Westchester County grand jury and he stand indicted pursuant to the Westchester County Indictment Number 17-0075. (See: **a copy of ADA Miller Certification of indictment attach as Exhibit 3 to S.D.N.Y. District Court Docket No: 22-CV-06028(KMK)(JCM) Doc. No 15).** This Certification of Indictment prevents Petitioner from being release from custody on his birthday on February 9, 2017.

On **November 21, 2023, 2448 days** after the initial grand jury, the Westchester County Assistant District Attorney **Shea Scanlon Lomma** now notify Petitioner under the penalty of perjury in her Affidavit in Opposition to his Federal Habeas Corpus Petition, in identical words that "*the People's present certain evidence of Petitioner's crime and the applicable law to the grand jury on February 7,*

2017 and the grand jury returned a true bill. On February 8, 2017, the assigned Assistant District Attorney filed a "Certification of Indictment," thereby preventing Petitioner from being released from custody pursuant to New York Criminal Procedure Law.P.L.") § 180.80. Thereafter, on February 14, 2017, the People re-present charges to the grand jury, which again returned a true bill." (See: ADA Shea Lomma Affidavit filed with S.D.N.Y. Docket No: 22-CV-06028 (KMK)(JCM), Doc. No. 29 at 8). There is nothing in Petitioner case file to corroborate ADA Miller and ADA Shea Lomma assertion (*id*). It is the law of the land that no man life liberty or property be forfeited, as a punishment, until there has been a charged fairly made and fairly tried in a tribunal. See: *Chambers v Florida*, 309 U.S. 227, 236(1940). Petitioner Abdool Azeez was convicted without that kind of process.

Possible the most important freedom of the people accused of an offense is that the government cannot compel them to answer for offense in a criminal proceeding except upon reasonable or probable cause, based on an oath or affirmation, that they have committed an offense. That freedom is enshrined in the Bill of Rights to the United States Constitution, in the Fourth Amendment, and in the Bill of Rights to the New York State Constitution, in Article 1, section 12, which provisions, in essentially identical wording, state the following: "*The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.*"

The commonsense principle at the heart of the due process guarantees in the United States and New York Constitutions is that the when the State seek to take life, liberty, or property from an individual, the State must provide effective procedure that guard against an erroneous deprivation (*People v. David W.*, 95 N.Y.2d 130, 136, 711 N.Y.S.2d 134, 733 N.E.2d 206 [2000];" see U.S. Const., Amend. XIV; N.Y. Const., art 1, § 6); "*Matthews v. Eldridge*, 424 U.S. 319, 334-335, 96 S.Ct. 893, 47

L.Ed.2d 18; *Wisconsin v. Constantineau*, 400 U.S. 433, 436, 91 S. Ct. 507, 27 L.Ed.2d 515 [“(I)t is procedure that marks much of the difference between rule by law and rule by fiat”]). Petitioner life was taken without this kind of process and protection. In this regard this writ must be granted and discharge Petitioner immediately from custody.

However according to ADA Miller Certification of Indictment and ADA Shea Lomma grand jury information did they indicate what specific crime Petitioner was charged with by the grand jury on February 7, 2017 and on February 14, 2017? If this court legal answer to this question is NO, then this court must agree that the government have *kidnapped Abdool Azeez and illegally restrain him of his liberty for more than a decade and has engage in a pattern of racketeering activity, corruption, broad conspiracy fraud and cover up to keep him illegally restrain of his liberty in prison in violation of his civil and constitutional rights* 42 USCA § 1983-1986 / Bivens, New York Civil Rights Law §§ 8, 10, 11, 12, & 40-C and of his federal and State Constitutional Rights guarantee by the Fourth, Fifth, Sixth, Eighth, & Fourteenth Amendments to the U.S. Constitution and article 1 § 5, 6, 11, & 12 of New York Constitution, and according to law he is entitled to his immediate discharged from custody. See: *Jackson v. Virginia*, 443 U.S. 307, at 314, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1997) “it is axiomatic that a conviction upon a charge not made or upon a charge not tried constitute a denial of due process. *Cole v. Arkansas*, 333 U.S. 196, 201, 68 S.Ct. 514, 517, 92 L.Ed. 644; *Presnell v. Georgia*, 439 U.S. 14, 99 S.Ct. 235, 58 L.Ed.2d 207. These standards no more than reflect a broader premise that has never been doubted in our constitutional system: that a person cannot incur the loss of liberty for offense without notice and meaningful opportunity to defend. *E.g., Hovey v. Elliott*, 167 U.S. 409, 416-420, 17 S.Ct. 841, 844-846, 42 L.Ed 215. Cf. *Boddie v. Connecticut*, 401 U.S. 371, 377-379, 91 S.Ct. 780, 785-787, 28 L.Ed.2d 113; *Jackson v. Virginia*, 99 S.Ct 2781 quoting “It is a violation of due process to send an accused to prison following conviction of charge which was never made against him *Deo Jonge v. State*

of Oregon, 229 US 353, 362, 57 S.Ct. 255, 259, 81 L.Ed 278. See: *Peralta v. Heights Medical Center Inc.*, 485 U.S. 80, 108 S.Ct. 896, 99 L.Ed.2d 75 (1988).

Additionally on October 6, 2017, Petitioner assigned attorney Joanna I. Karlitz from the Westchester County Legal Aid Society prepare and filed a motion for dismissal of his case. On page three of Joanna Karlitz motion for dismissal, she asked, "*if an indictment was filed on February 7, 2017 then what happen on February 14, 2017*"? (See: a copy of Joanna Karlitz motion for dismissal attached to Docket No: 22-CV-06028, at Doc. No. 15 Pet. Ground Three Exhibit 25). This clearly proves that neither Petitioner nor his attorney was given notice of the two grand jury proceedings, notice of the charges and the opportunity to object guarantee by the constitution.

Under both State and Federal Constitutions, a defendant is entitled to "fair notice of the nature of the charges against him, and of the manner, time, and place of conduct underlying the accusations, to enable him to answer the charges and prepare an adequate defense." U.S. Const. 6th, 14th Amends; N.Y. Const., art 1 § 6; See: *Mathews v. Eldrige*, 424 U.S. 319, 334 (1976) the essence of due process is the requirement that "a person in jeopardy of serious loss (be given) notice of the case against him and opportunity to meet it." *Francis v. Fiocco*, 942 F.3d 126 (2nd Cir. 2019); *Fuentes v. Shevin*, 92 S.Ct. 1983 (1972)." it is equally fundamental that the right to notice and an opportunity to be heard must be granted at a meaningful time and in a meaningful manner." *Armstrong v. Manzo*, 380 U.S. 545, 552, 85 S.Ct. 1187, 1191, 14 L.Ed.2d 62; *Presnell v. Georgia*, 439 U.S. 14, 99 S.Ct. 235, 58 L.Ed.2d 207. Also see: *People v. Evans*, *supra* at 414, 583 N.Y.S.2d at 361, 592 N.E.2d at 1365). "[A]ny indictment obtained in violation of the statutory notice and waiver provisions is invalid and must be dismissed" (*People v. Smith*, 87 N.Y.2d 715, 720, 642 N.Y.S.2d 568, 571, 665 N.E.2d 138, 141, *quoting* CPL § 190.50[5][c]; *People v. Degnan*, 246 A.D.2d 819, 667 N.Y.S.2d 808).

Additionally without having to review any other record of Petitioner case according to law any indictment found according to ADA Shea Lomma grand jury procedures express above (*id*) dismissal of that indictment is mandate on the law: *People v LeGrand*, 142 Misc.2d 151, 536 N.Y.S.2d 660 Sup. Ct. Kings County (Dec. 14, 1988), the Court dismissed the indictment holding that "once the grand jury voted a true bill on a felony charge an indictment should have been filed "Absent a specific request from the Jury to hear additional evidence, charges, or recharges, there exists no common law or statutory authority for the Prosecutor to submit additional charges to the grand jury prior to filing of an indictment. Any such submission is a nullity since the grand jury no longer have jurisdiction over the matter and therefore, the indictment is fatally defective." (*supra*, at 153, 536 N.Y.S.2d 660); also see: *People v. Marine*, 142 Misc.2d 449, 537 N.Y.S.2d 745, [Jan 19, 1989] "the Court dismiss the indictment by 'holding that indictments were fatally defective since multiple "true bills" of indictment could not be filed on one indictment;"; *People v. Hamilton*, 142 Misc.2d 554, 537 N.Y.S.2d 780 [1989] "the Court dismiss the indictment by 'holding that once case had been presented to grand jury and it had voted indictment, People, which failed to file indictment immediately after vote, could not returned to grand jury without Court authorization and under new indictment number."

In Petitioner, case the Prosecutor's claim that they had obtain two true bills, on two different dates with the same number 17-0075 against Petitioner. There is no question that this is at least a jurisdictional irregularity, and it is unacceptable. "*For example can a bank issue or cash two checks with the same check number from the same account?*" If this Court legal answer to this question is "NO?" Then this court must agree that dismissal of the alleged Westchester County Indictment No. 17-0075 is mandate on the law (*id*).

Additionally since ADA Shea Lomma did not indicate that the Prosecutor seek court authorization to resubmit additional charges to the Grand Jury on February 14, 2017, they did not

comply with the law **CPL § 190.75 (3)**. In this regard since the People choose not to follow the law in the case at bar, it is no doubt that their conduct is unacceptable and illegal. In so doing they have charted their own course. Thus without a valid and sufficient accusatory instrument, the People lack the necessary predicate to proceed with a criminal prosecution against Petitioner and mandate dismissal, see: **CPL § 190.75 (3)**, **N.Y. Const. art 1, § 6**; **CPL § 210.05**; *People v. Harper*, 37 N.Y.2d 96, 99, 371 N.Y.S.2d 467, 332 NE.2d 336). *People v. Dreyden*, 15 N.Y.3d 100, 103, 905 NYS.2d 542, 931 NE.2d 526 (2010) *People v. Koffroth*, 2 N.Y.2d 807, 140 N.E.2d 742, 159 N.Y.S.2d 828 (1957). *People v. Franco*, 86 N.Y.2d 493, 657 N.E.2d 1321, 634 N.Y.S.2d 38 (1995); *People v. Smith*, 103 A.D.3d 430 (2013); *People v. Miller*, 106 A.D.3d 670 [2013] the Court's 'holding that prosecutor failure to obtain court authorization to re-present charges to second Grand Jury required dismissal.'; *People v. Martinez*, 164 Misc.2d 314[1995] 'held that district attorney had improperly resubmitted charges to Grand Jury'; *People v. Hemstreet*, 234 A.D.2d 609 (1996) the Court reversed and dismissed the indictment "holding that prosecutor had acted without statutory authority in resubmitting case against defendant to second grand jury in absence of Court authorization."; *Cantwell v. Ryan*, 3 NY.3d 626 (2004); *People v. Allen*, 32 NY.3d 611 (2018), and in this regard dismissal of the alleged Westchester County Indictment Number 17-0075 is also mandate on the law.(*id*).

Furthermore, after Petitioner conviction upon his own investigation, on March 1, 2022, and on April 18, 2022, the Westchester County Clerk certify that there is no available record in the Court file of the grand jury sign in log sheet, and the name of the foreperson who sign and filed the unredacted Westchester County Indictment Number 17-0075 with the Westchester County Clerk's Office on February 23, 2017. (See: a copy of the Westchester County Clerk Certificates of records search attached as Exhibit 8 and 10 to S.D.N.Y. District Court Docket No: 22-CV-06028(KMK)(JCM) Doc. No 15). On March 17, 2022 between 10:15 a.m. to 10:45 a.m., Petitioner spoke with a Female

District Attorney from the Westchester County District Attorney Office and with Aclaudia from the Westchester County Supreme Courthouse and both of them confirmed that Judge Cacace signed the grand jury foreperson signature that's on the alleged Westchester County indictment Number 17-0075; furthermore the grand jury Foreperson was a male foreperson, and not a woman, Petitioner had testified before the Westchester County grand jury and a male foreperson swore him in before he testified; the Eastern Correctional Facility FOIL Officer have a CD with these call recordings, which Petitioner obtain see: NYS DOCCS Foil Log No. 22-05-326 for the call recordings.(See: **S.D.N.Y. District Court Docket No: 22-CV-06028(KMK)(JCM) Doc. No 15 grounds one Exhibit 9**). Petitioner also obtain a copy of two true bills from two other cases from Westchester County Supreme Courthouse; these two true bill of Indictments have the name and signature of the District Attorney, the name and signature of the grand jury Foreperson, and it have the name of the Acting Foreperson of the grand jury, whereas the Westchester County Indictment **Number 17-0075** do not contain these information (See: **a copy of these two signed true bill issue by Westchester County Grand Jury attached as Exhibit 12 to S.D.N.Y. District Court Docket No: 22-CV-06028(KMK)(JCM) Doc. No 15**), and (See appendix 4, file under U.S. Court of Appeals Docket No. 25-1865 Doc. 37).

Under Criminal Procedure Law, certain documents require a signature prior to filing. For example, an information, misdemeanor complaint, and a felony complaint "must be subscribed and verified by a person known as the 'complainant'" Likewise an indictment must be subscribed and verified by the Grand Jury foreperson, or acting foreperson and by the district attorney CPL 200.50(8)(9). Moreover, failure to properly verify an accusatory instrument is a jurisdictional fatal defect, see *People v. Richard*, 33 Misc.3d 855, 859 (Crim. Ct. N.Y. Cnty. 2011); *People v. Fortty*, 78 Misc.3d 1229 (A) (Crim. Ct. Bronx Cnty. 2023); *People v. Hutchinson*, 80 Misc.3d 678 (Crim. Ct. Bronx County 2023); *People v. Sanchez*, 47 Misc. 3d 612 (2015).

The foreperson signature on the alleged Westchester County indictment number 17-0075 is not Judge Cacace official signature and no other official member from the Westchester County Supreme Court or from the Westchester County District Attorney Office can verified how the alleged indictment number 17-0075 came into existence or who file it with the county clerk office on February 23, 2017, See: CPL § 200.10 see: *People v. Dykes*, 86 A.D.2d 191, at 288 (1982) “quote Prosecutors and Judges are not privileged to substitute their judgment for that of the grand jury” and they are not above the law see: *U.S. v. Claiborne*, 727 F.2d 842 at 847-848(9th Cir. 1984) "No man in this country is so high that he is above the law. No officer of the law may set the law at defiance with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law and are bound to obey it; *People v. Penaflores*, 932 N.Y.S.2d 682(2011) "The Courts is not here to provide shortcuts of justice or fixes for failure to strictly adhere to the laws enacted by the Legislature - it is here to follow those laws and provide due process for those who come before it. Without question Judge Cacace and ADA Miller knowingly, intelligently fail to adhere to the law and they fraudulently prosecuted Petitioner by force and by fraud with the complete absent of jurisdiction in order to desperately cover-up their illegal and corrupt conduct. See: *Chambers v. Florida*, 309 U.S. 227 at 236 (1940); *In re Oliver*, 333 US 257(1948).

However since the state cannot properly verified how the alleged Westchester County Indictment Number 17-0075 came into existence it must be treated as a forged instrument pursuant to *N.Y. Penal Law §170.10, Forgery, 10 U.S.C.A. § 907, Art 107*, to which probable cause to arrest, detain, restrain, arraign, confer jurisdiction to impose a trial, conviction and sentence upon Petitioner was absent. See: *Priel ex rel v. Linarello*, 7 Misc.3d 64, at 778 (2005) Subject matter jurisdictions “cannot be created by the courts themselves, whether erroneously, accidentally or intentionally. A judgment is void when the court rendering it lacked jurisdiction, or acted in a manner inconsistent with due process; *Beller &*

Keller v. Tyler, 120 F.3d 21, *23 (2d Cir 1997); also see: *In re O'Connell*, 98 AD.3d 673, *675(2012)

"A judgment issue without jurisdiction is void and that defect may be raise at any time and may not be waived."

It is axiomatic that jurisdiction is a nonwaivable prerequisite to a criminal prosecution, *People v. McGuire*, 5 N.Y.2d 523, 527, 186 N.Y.S.2d 250, 158 N.E.2d 830 [1959]; *People v. Scott*, 3 N.Y.2d 148, 152, 164 N.Y.S.2d 707, 143 N.E.2d 901 [1957]. (*People v. Harper*, 37 N.Y.2d 96, 99, 371 N.Y.S.2d 467, 332 N.E.2d 336. The want of jurisdiction may be raised at any time, even on appeal. *People v. Nicometi*, 12 N.Y.2d 428, 431, 240 N.Y.S.2d 589, 191 N.E.2d 79 [1963]; *Henderson ex rel. Henderson v. Shinseki*, 562 U.S. 428, at *435 (2011). Thus, if an indictment was not found, verified and filed by a Grand Jury, the trial court lack jurisdiction to adjudicate the case. "A Judgment may be attack collaterally if there was fraud practice either in acquiring jurisdiction or securing judgment, *Shaul v. Fidelity & Deposit Co.*, 131 Misc. 401, 227 N.Y.S. 163" *Finestone v. Frosthalm* 69 N.Y.S.2d 556 (April 9, 1947); and since this defect would undoubtedly be grounds for the issuance of a writ of habeas corpus, it most assuredly can be remedied on this appeal, *People v. Nicometi*, 12 N.Y.2d 428, 431, 240 N.Y.S.2d 589, 191 NE.2d 79 [1963]; also see: *Henderson ex rel. Henderson v. Shinseki*, 562 U.S. 428, at *435 (2011).

Infringement of defendant's rights to be prosecuted by a verified indictment found and filed by a grand jury deprived the Court of jurisdiction to try and punish him, See U.S. Const., 6th & 14th Amdt. New York Constitution Article 1 section 6 and The Fifth Amendment of the U.S. Constitution Provide that ***No person shall be held to answer for a capitol, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury ***; (see, *People. Ford*, 62 N.Y.2d 275, 280, 476 N.Y.S.2d 783, 465 N.E.2d 322; *People v. Iannone*, 45 N.Y.2d 589, 594, 412 N.Y.S.2d 110, 384 N.E.2d 656); *Russell V. United States*, 369 U.S. 749, 763, 82 S.Ct. 1038, 1046, 8 L.Ed.2d 240; *People ex rel. Battista*

v. Christian, 249 N.Y. 314, 318, 164 N.E. 111 *People v. Zanghi*, *supra*, at 817, 580 N.Y.S.2d 179, 588 N.E.2d 77; *People v. Boston*, *supra*, at 587, 555 N.Y.S.2d 27, 554 N.E.2d 64; [A]ny attempt by the Legislature to abridge, limit or qualify this broad jurisdiction of the Supreme Court is Unconstitutional and void” (*People v. Darling*, 50 A.D.2d 1038, 1038, 377 N.Y.S.2d 718; *Busch Jewelry Co. v. United Retail Employees’ Union*, 281 N.Y. 150, 156, 22 N.E.2d 320); *People v. Fernandez* 72 D.A.3d 303, (March 9, 2010). CPL § 10.20 (2) Superior Courts have preliminary jurisdiction of all offences, but they exercise such jurisdiction only by reason of and through the agency of their grand juries. CPL § 210.05 the only methods of prosecuting an offence in a Superior Court are by an Indictment filed therewith by a grand jury. Since the evidence show that the alleged indictment No: 17-0075 was not issue by a grand jury dismissal is mandate, See: *People v. Harper*, 37 N.Y.2d 96, 99, 371 N.Y.S.2d 467, 332 NE.2d 336). *People v. Dreyden*, 15 N.Y.3d 100, 103, 905 NYS.2d 542, 931 NE.2d 526 (2010); *People v. Koffroth*, 2 N.Y.2d 807, 140 N.2d 742, 159 N.Y.S.2d 828 (1957. *People v. Franco*, 86 N.Y.2d 493, 657 N.E.2d 1321, 634 N.Y.S.2d 38 (1995). *People v. Miles*, 289 N.Y. 360, 364, 45 N.E.2d 910; *People v. Sledge*, 90 A.D.2d 588, 589, 456 N.Y.S.2d 198, *Iv. denied*, 58 N.Y.2d 1036, 447 N.E.2d 96), citing *People v. Johnson* 187 A.D.2d 990 4th App. Div. Dept. [Nov. 18, 1992]. As a consequence, *Abdool Azeez* conviction is a nullity and must be dismissed on the law, (*id*).

Additionally if Petitioner was given fair notice of the two grand jury proceedings and fair notice of the specific charge against him he would have been able to timely object to it and have his case dismissed on the law and he would not have been in prison today, see: *People v LeGrand*, 142 Misc.2d 151, 536 N.Y.S.2d 660 Sup. Ct. Kings County (Dec. 14, 1988), *People v. Marine*, 142 Misc.2d 449, 537 N.Y.S.2d 745, [Jan 19, 1989]; *People v. Hamilton*, 142 Misc.2d 554, 537 N.Y.S.2d 780 [1989]; *People v. Martinez*, 164 Misc.2d 314[1995]; *People v. Cade*, 140 A.D.2d 99, 532 N.Y.S.2d 143 [2nd Dept.]; *People v. Credle*, 17 N.Y.3d 556 [2011]; *People v. Smith*, 103 A.D.3d 430 (2013), *People v. Miller*, 106

A.D.3d 670 [2013]. Furthermore in all these cases (*Id*), the Prosecutor timely notify all these defendants of (1) the first and second grand jury proceeding; (2) the specific charge/charges which the Prosecutor present in the first and second grand jury sessions; (3) the specific charge/charges which the grand jury consider and vote to true bill in the first and second grand jury sessions; (4) the procedure which the Prosecutor used to represent charge/charges to the second grand jury; (5) the reason why the Prosecutor had to go back to the second grand jury; (6) the procedure which the Prosecutor used to charge each defendants with all the crime/crimes voted in the first, and second true bills under one indictment number, and (7) the Prosecutor provided each of these defendants with the records of both grand jury proceedings along with a copy of the two voted true bills in order to give them a fair opportunity to timely object to the jurisdictional procedure to get their cases dismissed, where as in Petitioner case the Prosecutor did not timely notify him nor his attorney of these several fundamental jurisdictional requirements in order to give him an opportunity to object to it in a similar manner like the above defendant(s) did in their case.

Because Petitioner was not treated equally like those similar situated he contends that his equal protection and due process constitutional rights have been violated. The Equal Protection Clause in New York State Constitution states, **"no person shall be denied the equal protection of the laws of this state or any subdivision thereof"** (N.Y. Const., art. 1, § 11). The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution provides, **"no State shall ... deny to any person within its jurisdiction the equal protection of the laws."** See: *Harlen Associates v. Incorporated Village of Mineola*, 273 F.3d 494 (2001) quote "the equal protection clause requires that the government treated all similar situated people alike." *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S 432, 439, 105 S.Ct. 3249, 87 L.Ed.2d 313 (1985).

Petitioner has demonstrated a significant governmental impropriety which produce substantial prejudice to his liberty interest and well-being where the state and federal constitution is flagrantly violated, and society's interest in the integrity of the criminal process itself is jeopardized, and weighing in favor for dismissal of the alleged Westchester County indictment number 17-0075 with prejudice. "To dismiss an indictment with prejudice ... the court should ... find that conduct to be more than an 'isolated, unwitting violation,' be it a 'truly neglectful attitude,' 'bad faith,' a 'pattern of neglect,' or other serious misconduct." *United States v. Wells*, 893 F.2d 535, 539 (2nd Cir. 1990); See: *U.S. v. Caparella*, 716 F.2d 976 (2nd Cir. 1983) [conviction reversed and complaint dismissed with prejudice]; *United States v. Pecoraro*, 592 F.Supp.3d 4 (N.D.N.Y. 2022); *United States v. Mancuso*, 302 F.Supp.2d 23 (E.D.N.Y. 2004); *United States v. Montecalvo*, 861 F.Supp.2d 110 (E.D.N.Y. 2012).

Additionally, if Petitioner is so guilty of the crime for which he stands convicted the state should willingly provide the evidence to prove how they legally obtain jurisdiction over Abdool Azeez in order to try, convict and commit him to prison *Harris v. Nelson*, 394 U.S. 286 (1969) in such absent, this Court must find that the state act contrary to the laws and ADA Miller and ADA Shea Lomma jurisdictional information is purely conclusory, speculative, unfounded, demonstrably false, perjurous, See: *Hicks v. Baines*, 593 F.3d 159, 166 (2d. Cir. 2010) "[A] party may not rely on mere speculation or conjecture as to the true nature of the facts to overcome a motion for summary judgment... [M]ere conclusory allegations or denial ... cannot by themselves create a genuine issue of material fact where none would otherwise exist." *Fletcher v. Atex, Inc.*, 68 F.3d 1451, 1456 (2d. Cir.1995); *Pollard v. New York Methodist Hospital*, 861 F.3d 374, 378 (2d Cir. 2017).

Additionally Petitioner is one hundred gazillion percent confidence that no Official member from the Westchester County Supreme Court or from the Westchester County District Attorney Office can provide any legal evidence to prove that Abdool Azeez was legally charged with the commission of a

particular crime by the Westchester County grand jury on February 7, 2017 and on February 14, 2017, according to law. Petitioner contends in such absent he must be immediately discharged from custody, See: *People ex rel. Siegal, on Behalf of Schildhaus v Dros*, 11 N.Y.2d 167, 173, (1962) “unsworn information does not confer jurisdiction upon a Court to try relator” *** ‘the Court note that it would be a ‘dangerous practice’ to treat an unverified paper as the equivalent of information.’ ” The court held that the proceeding was jurisdictionally defective and the writ was properly sustained by Special Term, which allowed the writ and discharged the relator from custody.” If the information was defective jurisdictionally, then all the proceedings thereon and thereafter are null and void. See: *People ex rel. Goldberg v Calkins*, 11 Misc.2d 968, *969 (1958). Information is one of the essential steps in the prosecution of a crime and is jurisdictional. If a person is found guilty on unverified jurisdictional information as happen herein, according to law he is deprive of his liberty. See: *People ex rel. Goldberg v Calkins*, 11 Misc.2d 968, *970 (1958) “unsworn statement, was ineffective to confer jurisdiction upon convicting court the Writ of Habeas Corpus was allowed and the defendant was discharged from custody.” It is well settled law that unverified information, document or pleadings cannot confer jurisdiction upon a Court and such claim is appropriate for the issuance of the writ of habeas corpus. When information is insufficient it gives no jurisdiction to the Court to hold a defendant see: *People ex rel. Rial v. Katner*, 43 Misc.2d 450 (1964) “the Court sustained the writ of habeas corpus.” Information used as a pleading must be verified See: *People v. Scott*, 3 N.Y.2d 148, 164 N.Y.S.2d 707, 143 N.E.2d 901(1962) “the court had no jurisdiction to try appellant on the basis of the unverified information”; *People ex rel. Siegal, on Behalf of Schildhaus v. Dros*, 11 N.Y.2d 167, 173, (1962) the court “allowed the writ and discharged the relator from custody”; *People v. Scott*, 3 N.Y.2d 148, 164 N.Y.S.2d 707, 143 N.E.2d 901(1962) “Judgment reversed and defendant discharged.”

Based upon the facts surrounding Petitioner case as discuss above he contends that his Trial and Appellate Counsel was Ineffective in Violation of his Sixth and Fourteenth Amendment to the United States Constitution and Article 1 Section 6 of New York Constitution. Under the Sixth and Fourteenth Amendments of the U.S. Constitution a defendant's right to the effective assistance of counsel is violated when his trial counsel's performance is deficient to a point where it falls below an objective standard of reasonableness, and the deficient performance prejudices the defense. *Strickland v. Washington*, 466 U.S. 668, 687-688, 104 S.Ct 2052, 2064 (1984); US Const. Amend 6th, 14th and N.Y. Const. Art 1 § 6.

Specifically, Petitioner argues that he received ineffective assistance of trial counsel because his trial attorneys knowingly conspired with the People's and with the Court to illegally prosecute him by force on a forged indictment and trial counsel failed to filed a motion to dismiss the Westchester County Indictment Number 17-0075 as being jurisdictionally defective on the merit that (1) the People's filed a certification of indictment prior to the Grand Jury deliberate and vote on the case and (2) if an original signed and dated indictment charging Mr. Azeez cannot be produce we ask that this case be dismissed as there is no proper indictment pursuant to CPL § 200.50 and CPL §190.65 see. *People v. Villegas*, 46 Misc.3d 2, 233, 994 N.Y.S.2d 534, 535 (Bronx, County. Sup. Ct. 2014).

Under the extraordinary circumstances express above Petitioner contend that his appellate counsel was also ineffective in not arguing his constitutional, and jurisdictional claims and that trial counsel was ineffective for failing to file her motion with the Court to dismiss the indictment. "(see: *People v. Louis*, 200 AD.3d 1008(2021); *People v. Harris*, 26 N.Y.3d at 325-327, 22 N.Y.S.3d 393, 43 N.E.3d 750; *People v. Turner*, 5 N.Y.3d 476, 806 N.Y.S.2d 154, 840 N.E.2123; *People v. Sanabria*, 157 AD.3d 828, 69 N.Y.S.3d 335; *People v. Morales*, 108 A.D.3d 574, 968 N.Y.2d 580.

As discuss above Petitioner contend that both appellate and trial counsel performance was so deficient as to amount to the substantial equivalent of no representation at all, or, at the very least, resulted in such prejudice to the defense that his right to counsel and to the effective assistance of counsel was violated pursuant to the **Sixth and Fourteenth Amendments to the United States Constitution and New York Constitution article 1 § 6**. (See: *Strickland v. Washington*, 466 U.S. 668, 687-688, 104 S Ct. 2052, 80 L.Ed.2d 674). Accordingly, Petitioner contends that this Court should find that a departure from traditional orderly procedure is warranted here to safeguard his Civil Rights and Constitutional Rights See: *Murray v. Carrier*, 477 U.S. 478, 492, 106 S.Ct. 2639, 2647, 91 L.Ed.2d 397 (1986); *Lebron v. Mann*, 40 F.3d 561, 564 (2nd Cir. 1994); *House v. Bell*, 547 U.S.518, 536-37, 126 S.Ct. 2064, 165 L.Ed.2d 1 (2006), and a rare and extraordinary case by providing "a truly persuasive demonstration of a fundamental deprivation of his Civil rights and Constitutional rights" which should free him immediately *Herrera*, 506 U.S. at 417, 113 S.Ct. 853; *Martinez v. McAleenan*, 385 F.Supp. 3d 349, U.S.D.C, S.D. N.Y. [June 14, 2019]), the Court held ("There is no appropriate remedy to fix these egregious violations of Petitioner's fundamental rights other than for the Court to issue his immediate release from custody; habeas corpus is the appropriate relief for this classic wrong. *INS v. St. Cyr.*, 533 U.S. 289, 301, 121 S.Ct. 2271, 150 L.Ed.2d 347 (2001) (the great writ of habeas corpus, "at its historical core," "has served as a means of reviewing the legality of Executive detention, and it is in that context that its protections have been at its strongest.")

It is this Court solemn duty to diligently guard these rights regardless of the crime charged, the reputation of the accused, or the pressure to convict (*see, Boyd v. United States*, 116 U.S. 616, 635, 6 S. Ct. 524, 29 L.Ed. 746 [1886] ["It is the duty of courts to watchful for the constitutional rights of citizen, and against any stealthy encroachments thereon"]; *see, People v. Weinstein*, 42 N.Y.3d 439, 248 N.E.3d 691, 223 N.Y.S.3d 531[2024]). The Supreme Court, "[C]ourts have recognized a limited number of

Structural Errors, all involving the violation of the bedrock constitutional rights.” *United States v. Moran Toala*, 726 F.3d 334, (2d Cir. 2013). Such an error “requires automatic reversal and is not subject to harmless-error analysis because it involves a deprivation of a constitutional protection so basic that in its absence, ‘a criminal trial cannot reliably serve its function as a vehicle for determination of guilt or innocence, and no criminal punishment may be regarded as fundamentally fair.’ ” *Bently v. Scully*, 41 F.3d 818, 823 n.1 (2d Cir. 1994) (quoting *Arizona v. Fulminante*, 499 U.S. 279, 310, 111 S.Ct. 1246, 113 L.Ed.2d 302 (1991)). Applying these principles to petitioner’s claims which is indisputable as discuss above would mandate this Court intervention and his immediate discharged from custody expeditiously 28 USCA § 1651(a); See: *Cheney v. U.S. Dist. Ct.*, 542 U.S. 367, 380-81(2004).

**FACTS RELIED ON FOR ALLOWANCE OF THIS PETITION FOR WRIT OF
CERTIORARI FROM THE UNITED STATES DISTRICT COURT PROCEEDINGS**

Federal courts are empowered under 28 U.S.C. § 2254 to look beyond a state procedural forfeiture and entertain a state prisoner's contention that his constitutional rights have been violated. See *Petronio v. Walsh* 736 F.Supp.2 d 640 (U.S. Dist. Court. E.D. 2010).

On July 18, 2023, Petitioner filed a federal petition for a writ of habeas corpus with the United States District Court for the Southern District of New York. (See: **S.D.N.Y. District Court Docket No: 22-CV-06028(KMK)(JCM) Doc. No 15**). On November 21, 2023, the Westchester County ADA Shea Scanlon Lomma files a response to the instant Petitioner for writ of habeas corpus. (See: **S.D.N.Y. District Court Docket No: 22-CV-06028(KMK)(JCM) Doc. No. 29**). On January 22, 2024, Petitioner filed a reply to respondent opposition to his petition for writ of habeas corpus, (See: **S.D.N.Y. District Court Docket No: 22-CV-06028(KMK)(JCM) Doc. No 48-51**). On June 23, 2025, Petitioner filed an Injunction application with the United States District Court for the Southern District of New York. (See: **S.D.N.Y. District Court Docket No: 22-CV-06028(KMK)(JCM) Doc. No 73**). Without question any

person with reasonable commonsense would strongly agree that this indicate that Petitioner was unaware that a decision was made on his habeas corpus petition on August 7, 2024.

In order to avoid granting Petitioner injunction or habeas corpus relief on July 3, 2025, Judge McCarthy intentionally denied his habeas corpus petition and she fraudulently backdated her Report and Recommendation to August 7, 2024, *Azeez v. Lilly*, 2024 WL 6047645, and on July 3, 2025, Judge Karas intentionally adopt the R&R in its entirety and dismissed and closed Petitioner case and he also fraudulently backdated his Order & Opinion to July 1, 2025, *Azeez v. Lilly*, 2025 WL 1827265, without give Petitioner an opportunity to object to the R&R **F.R.C.P. Rule 72(a),(b)(2)**.

In the R&R Judge McCarthy made and advance jurisdictional claims and argument for the state to deny Petitioner habeas corpus relief see: *Priel ex rel v. Linarello*, 7 Misc.3d 64, at 778 (2005). Judge McCarthy state in the R&R that Petitioner was indicted on February 7, 2017, in the County Court of Westchester County, New York for: (1) three counts of rape in the second degree; (2) one count of criminal sex act in the second degree; and (3) two counts of sexual abuse in the third degree. (Docket No. 30-2). On February 8, 2017, pursuant to New York Criminal Procedure Law ("N.Y.C.P.L") §180.80, the State filed a "Certificate of Indictment" to prevent Petitioner from being released from custody while awaiting re-indictment and the presentation of additional evidence to the grand jury. (Docket No. 29 at 8). Petitioner was then re-indicted on February 14, 2017. (*Id.*). See: *Azeez v. Lilly*, 2024 WL 6047645 at 3 (August. 7, 2024). Nowhere in the state records can corroborate Judge McCarthy assertion (*id*), and when compare it with ADA Shea Lomma jurisdictional information the state did not indicate that Petitioner was charged with a specific crime on February 7, 2017 and on February 14, 2017 by a grand jury, neither did the state indicate that the Prosecutor represent additional evidence to a grand jury on February 14, 2017 and that Petitioner was re-indicted for any specific crime as indicate in the R&R dated August 7, 2024. Judge McCarthy assertion of the state jurisdictional facts

clearly contradicted with the state facts and it is factually speculative, perjurious, conclusory, and demonstrably false, see: *Hicks v. Baines*, 593 F.3d 159, 166 (2d. Cir. 2010).

In the R&R Judge Judith C. McCarthy recommending dismissing the petition for writ of habeas corpus by stating that it is untimely and she recommends that no COA be issue, because reasonable jurist would not find it debatable that Petitioner was denied of a constitutional right. Judge McCarthy directs the Clerk of the Court to serve a copy of the R&R, upon Petitioner. The R&R contain instruction on how Petitioner should file objections and request extension of time. It also states that failure to file timely objection to the R&R will preclude later review of any order of the judgment that will be render. 28 USC § 636(b)(1); *Caidor v. Onondaga Conty.*, 517 F.3d 601, 604 (2d Cir. 2008).

In the District Court Judge Kenneth M. Karas Order & Opinion he state that on August 7, 2024, Judge McCarthy issued a Report and Recommendation ("R&R") recommending that the Petition be denied, and when no objections are filed, the Court reviews an R&R on a dispositive motion for clear error. Judge Karas state that he review the R&R and finding no substantial error, clear or otherwise, he adopts the R&R in its entirety, dismissed the Petition, by stating that Petitioner has not made a substantial showing of the denial of a constitutional right, see: *Azeez v. Lilly*, 2025 WL 1827265, and he did not issue a certificate of appealability. He also directs the clerk of the court to mail a copy of the Order to Petitioner and close the case.

However for the past several years now almost every week Petitioner would check the status of his case on Westlaw and he never saw Judge McCarthy decision to his case publish on Westlaw in August of 2024 or prior to July 3, 2025. Additionally since petitioner filed his motion for injunction relief he would always check the status of his case everyday on Westlaw several times per day and neither Judge McCarthy, nor Judge Karas judgments to his habeas case was available on Westlaw prior to July 3, 2025. On July 3, 2025 at around 2:45 p.m., in the afternoon when petitioner checked the status

of his case on Westlaw he noticed the number of cases displayed under his name has increased to twenty-three (23) cases instead of (21). Immediately Petitioner scrolls through the first page but he didn't notice any new case update under his name. Petitioner then went to the next page, and he was shock and surprise when he saw Judge Kenneth M. Karas Order and Opinion listed as case number 21 on Westlaw dated July 1, 2025, *Azeez v. Lilly*, 2025 WL 1827265; and Judge Judith C. McCarthy Report and Recommendation listed as case number 22 on Westlaw dated August 7, 2024, *Azeez v. Lilly*, 2024 WL 6047645.

Petitioner Legal Mail Logbook record obtain from his Correctional Facility prove that he never receive any correspondence from the S.D.N.Y. District Court from August 5, 2024 to July 7, 2025. (See: **a copy of Petitioner legal mail logbook records attach as Appendix 2 to the United States Court of Appeals Docket No. 25-1865 at Doc. 40**). Additionally petitioner contend that the Clerk of the Court fail to comply with a Court order and fail to served him with a copy of the R&R pursuant to **F.R.C.P Rule 72(a),(b)(1), F.R.C.P. Rule 77(d)(1)** in order for him to timely object to it, pursuant to **F.R.C.P. Rule 72(a),(b)(2)**. See: *Labib v. Citigroup Global Markets Holding Inc*, 2022 WL 1032560 (2022) "Federal Rules of Civil Procedure 41(b), permits the Court to dismiss an action *sua sponte* for failure to prosecute...or failure to comply with an order of the Court." *Edwards v. Horn* 2012 WL 1292672, at *1 (S.D.N.Y. April 13, 2012) report and recommendation adopted 2012 WL 1592196 (S.D.N.Y. May 4, 2012); "A default judgment obtained by way of defective service is void *ab initio* and must be set aside as a matter of law." *Voice Tele Servs., Inc v. Zee Telecoms Ltd.*, 338 F.R.D 200, 202 (S.D.N.Y 2021).

Petitioner contends because he made it clear that he did not receive notice of the R&R and notice of the summary judgment in order to object to it the District Court Judge Karas lack power to adopt Judge McCarthy R&R denied, dismiss, and closed his habeas corpus case and according to law the district court Order must be Vacate, see: *Ruhrgas AG v. Marathon Oil Co.* 526 U.S. 574, 584, 119

S.Ct. 1563, 143 L.Ed.2d 760 (1999) ("Personal jurisdiction...is an essential element of the jurisdiction of a District Court without which the Court is powerless to proceed to an adjudication); where the Court lack jurisdiction of subject matter of the action at the time of entry of a default, it must be vacated, *Rose v. Elliotte*, 70 F.R.D. 422 (E.D. Tenn. 1976); *Walker v. Lilley*, 2024 WL 3755282, "the District Court vacates its adoption of the R&R based upon Petitioner representation that he did not receive the R&R." also see : *Bridgeway Corp. v. Citibank*, 201 F.3d 143, 139-140 (2d Cir. 2000) the court held "A party is procedurally prejudiced if it is surprised by the district court's action and that surprise results in the party's failure to present evidence in support of its position." If a district court fails to give notice before *sua sponte* granting summary judgment and that moving party was, as a result, procedurally prejudice, we must reverse, *Snider v. Melindez*, 199 F.3d 108, 113 (2d Cir. 1999); "it is equally fundamental that the right to notice and an opportunity to be hear must be granted at a meaningful time and in a meaningful manner." *Armstrong v. Manzo*, 380 U.S. 545, 552, 85 S.Ct. 1187, 1191, 14 L.Ed.2d 62; also see: *Fredricks v. Shaheen*, 2025 WL 1949898 (2d Cir. 2025), Petitioner contends that according to the above laws the District Court judgment *Azeez v. Lilly*, 2025 WL 1827265, must be vacate because he was not given Notice of the R&R, the Summary Judgment and an Opportunity to object.

Petitioner contend that his petition is timely filed because ADA Shea Lomma grand jury facts is Newly Discovered Jurisdictional Evidence Pursuant to 28 U.S.C.A. § 2244 d (1), (D), to Overcome the Untimeliness of his Habeas Corpus Petition since neither him nor his Attorney was given Notice of the two grand jury proceedings prior to Arraignment or Trial or the opportunity to Object?

Petitioner contends that the claims in his Petition present a federal constitutional issue and is cognizable for habeas corpus relief see: 28 U.S.C.A. § 2254, *Engle v. Isaac*, 456 U.S. 107, 119 (1982); *Estelle v. McGuire*, 502 U.S. 62, 68 (1991). The District Court held in *Sing Fon Pan v. Sessions*, 290 F.Supp.3d 250, 252 (S.D.N.Y. 2018) that Section 2241 of title 28 of the United States Code is general

habeas corpus statute. It authorizes a district court to grant a writ of habeas corpus whenever a petitioner is in custody in violation of the Constitution or laws or treaties of the United States.” *Wang v. Ashcroft*, 320 F.3d 130, 140 (2d Cir. 2003) (quoting 28 U.S.C. § 2241(c)(3)).

Petitioner urges this Honorable Court to recognize his right to invoke the protection of the writ to challenge his illegal and unconstitutional confinement at Eastern New York Correctional Facility and to protect his fundamental liberty rights recognized by law *Rochin v. Caplinger*, 342 U.S. 165, 172, 72 S.Ct. 205, 209, 96 L.Ed. 183 (1952), the majority hold the Due Process Clause empowers this Court to nullify any state law if its application 'shock the conscience', offends 'a sense of justice' or runs counter to the 'decencies of civilized conduct.' See: *Peralta v. Heights Medical Center Inc.*, 485 U.S. 80, 108 S.Ct. 896, 99 L.Ed.2d 75 (1988). Apply these principles to petitioner claims would entitle his immediate discharged from custody.

**FACTS RELIED ON FOR ALLOWANCE OF THIS PETITION FOR WRIT OF
CERTIORARI FROM THE UNITED STATES COURT OF APPEAL PROCEEDING**

Petitioner contends that the United States Court of Appeals Circuit Judge Joseph F. Bianco, Judge Michael H. Park, and Judge Sarah A. L. Merriam, decision citation *Azeez v. Lilley*, 2026 WL 214203, contradict with the decision of *Fredricks v. Shaheen*, 2025 WL 1949898 (2d Cir. 2025), and with the controlling cases cited in the decision and in his arguments.

In *Fredricks v. Shaheen*, 2025 WL 1949898 (2d Cir. 2025), The defendants move for summary judgment, and the Magistrate Judge issue a Report and Recommendation (“R&R”) recommending that the motion be granted. Having received no objections to the R&R, the District Judge reviewed it only for clear error. *Miller v. Brightstar Asia, Ltd.*, 43 F.4th 112, 120 (2d Cir. 2022). The District Judge adopted the recommendation 41 days later granting summary judgment for the defendants, and closed the case. *Fredicks v. Parrilla*, 1:20CV05738 (AT)(JLC), 2022 WL 4227077 (SDNY Sept. 13, 2022).

When *Fredricks* appeals the district court decision to the U.S. Court of Appeals for the Second Circuit, the panel held that “We review a grant of summary judgment *de novo*, construing the evidence in light most favorable to the party against whom summary judgment was granted and drawing all reasonable inferences in that party’s favor.” *Capitol Recs, LLC v. Vimeo, Inc.*, 125 F.4th 409, 418 (2d Cir 2025). The court held it is well establish that a court is ordinarily obligated to afford a special solicitude to pro se litigants. *Rosa v. Doe*, 86 F.4th 1001, 1007, (2d Cir. 2023). The courts held that this is particularly true in the context of summary judgment, and have recognized, it is not obvious to layman that when his opponent files a motion for summary judgment supported by affidavits he must file his own affidavits contradicting his opponent’s if he wants to preserve factual issues for trial. *Vital v. Interfaith Med. Ctr.*, 168 F.3d 615, 620 (2d Cir. 1999). The court held that it required the district court to apprise pro se litigants of the consequences of failing to respond to a motion for summary judgment, and failure to provide such notice is ordinarily grounds for reversal, (*Id*).

In Fredricks case the Circuit Courts review the district court records which show that Fredricks receive the Summary Motion, he received the Report and Recommendation, and he was granted an extension of time to file objection to the R&R, but before he receive the court order which grant his request for extension of time to file his objection the District Court adopt the R&R, denied and dismiss and close his case. Four days after the District Court Order was issue, the District Court receives a letter from Fredricks requesting a second extension of time to file his objection to the R&R. The Circuit Court held that this indicate that Fredricks was unaware that the R&R has been adopted and his case was dismissed. In conclusion the panel conclude from the totality of the circumstances describe in *Fredricks* case he did not received adequate notice pertaining to the R&R, notice of the summary judgment, and an opportunity to be heard. The panel offers **no view on the merit of the summary judgment motion in Fredricks** case and they VACATE the judgment of the District Court and REMAND the matter for

further proceedings See: *Fredricks v. Shaheen*, 2025 WL 1949898 at *4; by holding that the “opportunity to be heard plays an important role in establishing the fairness and reliability of court orders, *Snider v. Melindez*, 199 F.3d 108, 113 (2d Cir. 1999).

When Petitioner appeals the District Court judgment to the United States Court of Appeals, he filed a Motion for a COA, Motion for Order to Show Cause for Emergency Stay, Injunction, and Restraining Order and for Dismissal of the Judgments, Motion to Proceed in Forma Pauperis, Motion for Assignment of Pro Bono Counsel, Motion to Compel, and Motion for Discoveries with the United States Court of Appeals for the Second Circuit. (See: **United States Court of Appeals Docket No. 25-1865, Doc. 31-35, 37**). On October 15, 2025, Respondent filed an Affidavit in Opposition only for Petitioner Application for a Certificate of Appealability. October 24, 2025, petitioner filed a reply to Respondent opposition. (See: **United States Court of Appeals Docket No. 25-1865, Doc. 44**), and on January 5, 2026, the court of appeals issues a decision, which denied petitioner appeal on the merit of the district court judgment without conducting a de novo review.

Petitioner case presents a more compelling reason for relief than *Fredricks* case. In Petitioner case after the District Court received his application for injunction relief on June 30, 2025, Judge McCarthy then issue a Report and Recommendation to denied Petitioner habeas corpus petition and she fraudulently backdated her R&R to August 7, 2024, see: *Azeez v. Lilly*, 2024 WL 6047645, and on July 3, 2025, Judge Karas intentionally adopt the R&R in its entirety and dismissed and closed Petitioner case and he also fraudulently backdated his Order & Opinion to July 1, 2025, see: *Azeez v. Lilly*, 2025 WL 1827265, without giving Petitioner an opportunity to object to the R&R, F.R.C.P. Rule 72(a),(b)(2); both decision was first publish on Westlaw on July 3, 2025. Even assuming that Judge McCarthy R&R was issue on August 7, 2024; normally when no objection has been filed on the R&R the District Court don't take 328 days later to render a decision as in this case. Petitioner Legal Mail Logbook record

obtain from his Correctional Facility also prove that he never receive any correspondence from the U.S District Court for the S.D.N.Y. from **August 5, 2024 to July 7, 2025**. (See: a copy of Petitioner legal mail logbook records attach to the United States Court of Appeals Docket No. 25-1865, Doc. 37 at **Appendix 2**); this indicate that the clerk of the court fail to comply with an order of the court issue in the R&R, by failing to give Petitioner notice of the R&R, or it indicate that it was factually impossible for the clerk of the court to mail the R&R that wasn't in existance on August 7, 2024.

Under the extraordinary circumstances discussed above the Court of Appeals panel fails to conduct a *sau sponte* review of Petitioner case where the jurisdiction of the lower courts was questionable. Federal Court of Appeals is obligated to examine its jurisdiction *sua sponte*. *Shelton v. Shelton*, 201 S.W.3d 576, 579 (Mo. App. W.D. 2006); Subject matter jurisdiction is a threshold issue that a court must consider before addressing the merits of any particular case. *Rhulen Agency, Inc. v. Ala. Ins. Guar. Ass'n*, 896 F.2d 674, 768(2d Cir. 1990); *Travelers Ins. Co. v. Carpenter*, 411 F.3d 323, 328 (2d Cir. 2005) (where jurisdiction is questionable the court of appeal is obligated to examine the question *sua sponte*). *World Trade Ctr. Props., L.L.C. v. Hardford Fire Ins. Co.*, 345 F.3d, 160 (2d. Cir. 2003); *Bender v. Williamsport Area Sch. Dist.*, 475 U.S. 534, 541, 106 S.Ct. 1236, 89 L.Ed.2d 501 (1986) the Courts held that every federal appellate court has a special obligation to satisfy itself not only of its own jurisdiction, but also that of the lower courts in a cause under review, even though the parties are prepared to concede it. *Mitchell v. Maurer*, 293 U.S. 237, 244, 55 S.Ct. 162, 165, 79 L.Ed. 338 (1934), *Juidice v. Vail*, 430 U.S. 327, 331 – 332, 97 S.Ct. 1211, 1215, 51 L.Ed.2d 376 (1977) (standing). [When the lower federal court] lack[s] jurisdiction, we have jurisdiction on appeal, not of the merits but merely for the purpose of correcting the lower court in entertaining the suit. *United States v. Corrick*, 298 US 435, 440, 56 S.Ct. 829, 831, 80 L.Ed. 1263 (1936). The court fails to apply these principles to petitioner case.

The Court of Appeals panel rule on the merit of the district court judgment in Petitioner case *Azeez v. Lilley*, 2026 WL 214203, without de novo review like they did in *Fredricks v. Shaheen*, 2025 WL 1949898 (2d Cir. 2025), the panel made a decision on January 5, 2026 which denied and dismissed Petitioner Motion for a COA on the merit of the district court judgment holding that Petitioner has not shown that “jurists of reason would find it debatable whether the district court was correct in its procedural ruling” as to the untimeliness of Appellant’s 28 U.S.C. § 2254 petition. *Slack v. McDaniel*, 529 U.S. 473, 478, (2000), and denied his Motion for Order to Show Cause for Emergency Stay, Injunction, and Restraining Order and for Dismissal of all the lower courts Judgments, Motion to Proceed in Forma Pauperis, Motion for Assignment of Pro Bono Counsel, Motion to Compel, and Motion for Discoveries as moot.

On January 10, 2026, Petitioner received a copy of the circuit court decision, and on January 23, 2026, Petitioner filed a motion for reconsideration, he was unaware that he had to file it within 14 days from January 5, 2026; Petitioner thought he had 30 days to file his motion for reconsideration like every appeal process. Petitioner was also unable to file it earlier because he is having difficulty getting access to the law library. See Petitioner motion for permission to file late motion for reconsideration en banc. (See: United States Court of Appeals Docket No. 25-1865, Doc. 53). On February 24, 2026, Petitioner receive an order from the Circuit Court of Appeals dated February 10, 2026, now informing him that he have to file a motion for permission to file late motion for reconsideration and a motion for reconsideration with 3900 words limit by March 3, 2026. On February 28, 2026, Petitioner mailed his motion for permission to file late motion for reconsideration and his motion for reconsideration with less than 3900 words. Both of Petitioners motion was received by the Court of Appeals on March 10, 2026. On March 23, 2026, the United States Court of Appeals Judge Sarah A. L. Merriam, issue an order denying Petitioner motion for permission to file late motion for reconsideration for en banc review. See

a copy of the United States Court of Appeals Judge Sarah A. L. Merriam, decision issue on March 23, 2026, attach to **APPENDIX (A)**.

As discussed above Petitioner contends that the Circuit Courts decision *Azeez v. Lilley* 2026 WL 214203 clearly contradict with *Fredricks v. Shaheen*, 2025 WL 1949898 (2d Cir. 2025), and the circuit courts intentionally and maliciously treated his case differently from *Fredricks* and from other similar situated in violation of his constitutional rights. The Equal Protection Clause "*Commands that no State shall 'deny to any Person within its Jurisdiction the Equal Protection of the Law,'*" U.S. Const. Amend. XIV, "Which is essentially a direction that all Persons similarly situated should be treated alike." *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 439.

Petitioner contends that the facts of his case has affirmatively presented a fundamental deprivation of his constitutional rights to life, liberty, property, due process and equal protection of the law which met the standard for a COA. See: *Miller-El v. Cockrell* the Supreme Court held that COA may issue only if the applicant made a substantial showing of the denial of a constitutional right, 28 USCA § 2253(c) (2) See: *Miller-El v. Cockrell*, 537 U.S. 322, 123 S.Ct. 1092, 154 L.Ed.2d 931(2003) (Citing: *Slack v. McDaniel*, 529 U.S. 473, 478, 120 SCt. 1595, 146 L.Ed.2d 542(2000)). Due to the extraordinary circumstance discuss above Petitioner contend that the United States Court of Appeals for the Second Circuit did not acquire jurisdiction over the subject matter on appeal, *Kingsly v. Kansas Dept. of Revenue*, 288 Kan. 390, 395 (2009), and since the judgments were entered in excess of beyond the jurisdiction of the district court, it is void and the Court of Appeals has no jurisdiction to review. *Yoder By Larsen v. Horton*, 678 S.W.2d 901, 904 (Mo. App. 1984). If a federal Court of Appeals determines, *sua sponte*, it lack jurisdiction, the appeal must be dismissed; *Schneider v. Sunset Pools of St. Louis, Inc.* 700 SW.2d 137, 138(Mo. App. 1985).

Petitioner case present extraordinary urgency and is one of first impression. The relief sought here cannot be obtained in any other court, because he has been actively being retaliated against through judicial suppression which shocks the conscience of fundamental fairness to the universal sense of justice and it is of great public importance. Since all the lower state and federal courts have repeatedly refused to address overwhelming evidence of a pattern of racketeering activity, corruption, broad conspiracy, fraud, and cover-up which transcend substantial prejudice to fundamental fairness of which a reasonable jurist would agree to beyond a reasonable doubt that the state and federal Court's and its a member(s) has operated in a manner that is corrupted against the United States, this State and Petitioner where the judges, prosecutors, attorneys, state and federal officials, and law enforcement has not performed their official and judicial function in a normal process, which seriously affects the integrity of the criminal justice system and the normal process of adjudication, and it obviously called for an immediate inquiry into the state and federal Courts conduct from which a jury could conclude that criminal and official misconduct as expressed in *U.S. Criminal Procedure Laws pursuant to, 18 U.S.C.A. § 1962. Prohibit Activities, 18 U.S.C.A. § 1002 Possession of False Papers to Defraud United States, 18 U.S.C.A. § 3, Accessory After the Facts, 10 U.S.C.A. § 905. Art 105. Forgery, 10 U.S.C.A. § 907. Art 107. False Official Statements; False Swearing, 18 U.S.C.A. § 241. Conspiracy Against Rights, 18 U.S.C.A. § 2384A. Torture, 18 U.S.C.A. § 242. Deprivation of Rights Under Color of Law, 18 U.S.C.A. § 373. Solicitation to Commit a Crime of Violence, 18 U.S.C.A. § 1623. False Declaration before Grand Jury or Court, 18 U.S.C.A. § 494. Contractor's Bonds, Bids, and Public Records, 18 U.S.C.A. § 1017. Government Seals Wrongfully Used and Instruments Wrongfully Sealed, 18 U.S.C.A. § 1622. Subornation of Perjury, 18 U.S.C.A. § 1001. Statements or Entries Generally, 18 U.S.C.A. § 1201 Kidnapping, and pursuant to New York Penal Law § 210.45, PL § 210.40, PL § 210.35, PL § 210.15, PL § 210.10, PL § 215.40 (1) (2), PL § 200.20, PL § 200.22, PL § 200.25, PL § 200.27, PL § 200.56, PL §*

170.10 (2) (3), PL § 170.05, PL § 170.25, PL § 170.20, PL § 175.40, PL § 175.35 (1) (2), PL § 175.30, PL § 175.25, PL § 175.20, PL § 195.00, PL § 195.20 (a) (i), PL § 195.30, PL § 190.65 (1) (a), PL § 190.60 (1), PL § 496.02, PL § 135.25, 2 (a) (b) (c) (d), PL § 135.20, PL § 135.10, PL § 135.05, PL § 105.15, PL § 105.10, PL § 105.00, PL § 115.05, PL § 115.00, PL § 100.10, PL § 100.05, PL § 205.65, PL § 205.60, PL § 205.55, PL § 120.05 (7), NYS. ST. RPC. Rule 3.8, 8.3, 8.4, 22 NYCRR 100.1, 100.2, 100.3, 100.4; was committed (See: S.D.N.Y. District Court Docket No: 22-CV-06028(KMK)JCM) Doc. No 15, 48, 50, 51, 70, & 73).

Every federal court in this country has within its traditional toolkit the power to pause temporarily its own order or one of the lower courts or issue other forms of intrim relief. See: *Scripps-Howard Raido v. F.C.C.*, 316 U.S.4, 9-10 (1942).” *Bulloch*, 763 F.2d at 1121; *Gleason v. Jandrucko*, 860 F.2d 556; Fraud upon the Court" as distinguish from fraud which seriously affects the integrity of the normal process of adjudication see, *Kupferman v. Consolidated & Research Mfg. Corp.*, 459 F.2d 1072, 1078 (2nd Cir. 1972) "a finding that a judgment has been obtained by perpetrated fraud a fraud upon the Court empowers the Court to set aside judgment *sua sponte* Federal Rules of Civil Procedure Rule 24, 28 U.S.C.A, 28 U.S.C.A. § 1651 (a), also See: *Cheney v. U.S. Dist. Ct.*, 542 U.S. 367, 380-81(2004).

CONCLUSION

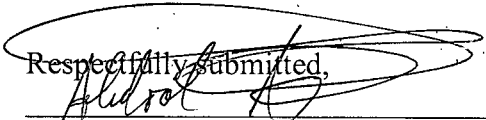
WHEREFORE, for the foregoing reason Petitioner pray, and respectfully request that this Honorable Court exercise its judicial power pursuant to 28 U.S.C.A. § 453, Title 28, United States Code (28 U.S.C.A. § 1651 (a), and Rule 20 of the Rules of this Court (U.S. Sup. Ct. R. 20), 28 U.S.C.A § 1254, 28 U.S.C.A. § 2101(c)(f), 28 U.S.C.A. § 2102, and 28 U.S.C.A. § 2106, and issue a writ of certiorari, a writ of mandamus, a writ of prohibition, writ of injunction, emergency stay or one or more of such writ in order to prevent enforcement of the United States Court of Appeals judgment *Azeez v.*

Lilley 2026 WL 214203, the District Court judgment *Azeez v. Lilly*, 2025 WL 1827265, and the Westchester County Supreme Court sentence and commitment mandate issue on January 9, 2018. *People v. Azeez Westchester County Indictment Number 17-0075*, or to vacate and or dismiss the lower state and federal courts judgments (*id*), and order Petitioner immediate release from custody and restore his liberty to the status he enjoyed before being kidnapped and illegal restrain of his liberty and grant any other further relief this court deem just, proper and equitable to promote the end of justice. Petitioner respectfully request that this Court appoint him an attorney to represent him in this appeal, grant him a hearing and a lie detector test with live broadcasting to the general public. If this court does not grant this Petition a grave miscarriage of justice will occur and a betrayal of public trust in the integrity of the criminal justice system and Petitioner would continue to suffer irreparable harm to his liberty interest.

I, Abdool Azeez, declare under penalty of perjury pursuant to 28 USC § 1746, 18 U.S.C. § 1621, that the foregoing is true and correct to the best of my knowledge and belief.

Dated: August 17, 2026

Respectfully submitted,


Petitioner Pro-Se Abdool Azeez DIN 18-A-0314
Eastern N.Y. Correctional Facility
P.O. Box 338, 30 Institution Road
Napanoch, New York 12458

CC: File

Supreme Court of the United States, United States Supreme Court Bldg., 1 First St. N.E., Washington D.C. 20543. Attn: Chief Judge John G. Roberts Jr., New York

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