No. _____

In the Supreme Court of the United States

ALI PASCAL MAHVI,

Petitioner,

v.

GEUAGA COUNTY, OHIO, JOBS AND FAMILY SERVICES, ET AL.,

Respondents.

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

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether the Court should clarify its holding in *Heck v. Humphrey*, 512 U.S. 477 (1994), to apply the delay in accrual of claims under the Civil Rights Act to instances where the state courts ultimately do not strike down the state actions under review.

2. Whether the Court of Appeals and the district court erroneously failed to apply delayed accrual under this Court's holding in *Heck v. Humphrey*, 512 U.S. 477 (1994), as clarified, in finding that claims arising from a wrongful criminal conviction accrued, and limitations were not tolled, while the Plaintiff pursued his state judicial and executive remedies.

PARTIES TO THE PROCEEDINGS

Petitioner and Plaintiff-Appellant below

- Ali Pascal Mahvi

Respondents and Defendants-Appellees below

- Geuaga County, Ohio, Jobs and Family Services
- Karen Sweet
- Tegna, Inc.
- Tom Meyers

CORPORATE DISCLOSURE STATEMENT

There are no corporate petitioners.

Respondent Tegna, Inc., traded as TGNA, is a wholly owned subsidiary of Nexstar Media Group, traded as NASD:NXST. Tegna was acquired by Nexstar in March 2026, and its integration is subject to litigation.

LIST OF PROCEEDINGS

Direct Federal Proceedings Below

U.S. Court of Appeals for the Sixth Circuit

No. 25-3469

Ali Pascal Mahvi, *Plaintiff-Appellant,* v. Geauga County, OH Jobs and Family Services, et al., *Defendants-Appellees*

Final Opinion and Judgment: August 21, 2026

U.S. District Court, N.D. Ohio (Eastern Div.)

No. 1:24-CV-1098

Ali Pascal Mahvi, *Plaintiff,* v. Geauga County, OH Jobs and Family Services, et al., *Defendants*

Memorandum Opinion and Order: May 29, 2025

Related State Proceedings Below

Ohio Court of Appeals, 11th District

No. 2017-G-0140, cited as 2018 Ohio 4944

State of Ohio, Appellee *v. Mahvi*, Appellant

Opinion: December 10, 2018

Ohio Ct. Common Pleas, Geauga County

No. 16C000198

State of Ohio, Plaintiff *v. Mahvi*, Defendant

Judgment: Sep 15, 2017

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OPINIONS BELOW

The opinion and judgment of the United States Court of Appeals for the Sixth Circuit (App.1a), was entered on August 21, 2026. The memorandum opinion and order of the United States District Court for the Northern District of Ohio, Eastern Division (App.9a) was entered May 29, 2025.

JURISDICTION

The United States Court of Appeals for the Sixth Circuit issued its order affirming the district court's dismissal of Petitioners claims on August 21, 2026. (App.1a). The Court has jurisdiction pursuant to 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

42 U.S.C. § 1981

(a) Statement of equal rights

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws

and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

(b) "Make and enforce contracts" defined

For purposes of this section, the term "make and enforce contracts" includes the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship.

(c) Protection against impairment

The rights protected by this section are protected against impairment by nongovernmental discrimination and impairment under color of State law.

42 U.S.C. § 1983

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not

be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

42 U.S.C. § 1985

(1) Preventing officer from performing duties

If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

(2) Obstructing justice; intimidating party, witness, or juror

If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his

person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

(3) Depriving persons of rights or privileges

If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in

favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

Ohio Revised Code § 2305.10(A)

(A) Except as provided in division (C) or (E) of this section, an action based on a product liability claim and an action for bodily injury or injuring personal property shall be brought within two years after the cause of action accrues. Except as provided in divisions (B)(1), (2), (3), (4), and (5) of this section, a cause of action accrues under this division when the injury or loss to person or property occurs.

STATEMENT OF THE CASE

This case represents a truly gross injustice. Petitioner Ali Pascal Mahvi is an American citizen of Iranian and French heritage, born in New York City of legal immigrant parents. In 2016 he was indicted and, in a truly egregious and unconstitutional manner, convicted of SNAP (food stamp) fraud. Mahvi was not guilty, but at every level the authorities, including his own lawyer, ignored their responsibilities, and the evidence. After a fraudulent trial devoid of Due Process, he was convicted in 2017.

After the conviction, Mahvi worked tirelessly to seek justice. He appealed his conviction, filed two separate petitions for post-conviction relief, and commissioned a thorough review of the evidence by an attorney with expertise in the Medicaid and SNAP programs – which showed his actual innocence, and the numerous state errors, some malicious omissions, and bad faith failures of the relevant state and county officials – and ultimately sought executive clemency through a well-established state procedure. After exhausting every state avenue for relief, as he had been instructed to do by Ohio's office of disciplinary counsel, Mahvi filed his Pro Se action in federal court from which this Petition ultimately arises.

1. Mahvi's Unjust Arrest and Conviction

In November 2015, Mahvi was bringing a major business deal to a close, but, in the interim, had completely exhausted his credit and resources in maintaining his household pending the transaction.

As he had depleted his assets, he could not afford medical insurance and had experienced chest pains, two friends who had loaned him money suggested that he apply for Medicaid at Geauga County Jobs and Family Services Agency.

At the County Agency, he and his wife answered every question put to them truthfully. The County Agency's clerk typed their responses into her computer and, when finished, asked Mahvi to sign the electronic pad. The County Agency approved the family's Medicaid application and suggested that the couple accept SNAP. During the benefits application process the County Agency refused to provide Mahvi with a copy of their benefits application on the County Agency computer so that Mahvi could review the benefits application to address any inaccurate monthly income, expense, and loan data due to the confusing loan disclosure policies of the relevant state agencies. Mahvi's wife accepted the County Agency's suggestion and the family began receiving both benefits, Medicaid and SNAP.

In February 2016, the County Agency's director of fraud terminated the family's Medicaid and SNAP benefits, having erroneously concluded that he was not eligible after all. Her conclusion seems to have been based on her failure to 1) identify Mahvi as an American Citizen, 2) properly account for the proceeds of loans Mahvi had borrowed to temporarily keep his household afloat and 3) understand that the "loan letters" identifying loan proceeds were not fraudulent, and that the loan proceeds did not constitute Income as defined by the IRS. The County Agency referred the matter to the County prosecutor, who in turn assigned the matter to his fraud investigator, Respondent Karen Sweet.

To obtain a search warrant, Sweet included numerous materially false financial data in her sworn statement, in order to overstate the family's income, both to the County prosecutor and to the applicable federal agencies and in her FinCEN statement. For example, she claimed, completely without foundation, that while Mahvi's wife is "white", he is an "Iranian" and he owns a Swiss bank account that held more than $4,037,000 million in cash. This was not true. Sweet showed her bias against Mahvi repeatedly, and that it was based on his Iranian heritage, to project him as a national security threat.

Mahvi nonetheless complied with the investigation, without legal representation, but the falsehoods continued. This was not only an internal matter, the county prosecutor waged a media campaign against Mahvi: he issued four live press releases and encouraged lurid coverage, including the September 2, 2016 gunpoint raid by local police, in front of news cameras, curbside in front of Mahvi's home.

Mahvi was indicted on December 7, 2016, on television, and arraigned on January 13, 2017, again on television. Mahvi hired a lawyer who had lied to him about his qualifications. Unbeknownst to Mahvi, his counsel was under investigation by the state's disciplinary counsel, which reports to Ohio's Attorney General – an investigation that ultimately led to his disbarment.[1] Counsel's representation of Mahvi was grossly deficient: with the assistance of the bench trial

[1] The prosecutor and Mahvi's defense counsel knew of this investigation. It is clear that the prosecution used its leverage to procure defense counsel's shockingly ineffective representation of Mahvi.

judge and prosecutor, all 15 of Mahvi's designated witnesses were barred from testifying, including his 12 lenders whose loans had been the basis of the disqualification, and not a single page of the exculpatory evidence in the two terabytes of his seized files was entered into evidence. As his counsel was pressured to stand down or be exposed, he did not object.

In the meantime, on May 1, 2017, Geauga County Jobs and Family Services was informed by a state Fair Hearing Officer that Mahvi's Medicaid benefits were reinstated. The County prosecutor was forced to drop his grand theft claims, but failed to reconcile the contradictory conclusions by two state agencies, and went forward with the prosecution. However, the damage to Mahvi was already done: as a direct result of the worldwide media attention the County prosecutor had procured, the enterprise Mahvi was working on lost over $180 million in provable investments. Mahvi was convicted and sentenced to 30 days of incarceration and a fine.

2. Mahdi's Attempts to Set Aside the Unjust Conviction

From the outset, Madhvi worked diligently to expose the truth and have his conviction and sentence set aside. The state trial court denied the motion on November 3, 2017. Using the same compromised counsel, Mahi noted an appeal to the Ohio Court of Appeals, Eleventh Appellate District, which affirmed on December 10, 2018. Mahvi was arrested and incarcerated in solitary in a cell with no heat. He suffered a seizure but it took the County 14 hours to get him to the emergency room that was only one mile away.

Mahvi's continued efforts did not bear fruit, mostly because the evidence that showed Mahvi's innocence was still being withheld by the State, and because, in the absence of the exculpatory evidence that would have been introduced by Mahvi's twelve lenders – had they been allowed to testify – the Ohio Court of Appeals refused to credit Mahvi's testimony. Mahvi, now Pro Se, filed a motion for post-conviction relief in March 2019. This was not granted.

Although Mahvi's efforts failed to reverse his conviction, they were not without effect. In February 2020, the Chief Justice of the Ohio Supreme Court empowered a task force that included the Ohio Attorney General to examine and modernize Ohio's criminal rules, post-conviction relief petitions, and data collection to assure conviction integrity. Among its recommendations in its July 2022 report were (a) amendments to the rules to allow more time for development of evidence to be used in post-conviction proceedings; (b) heightened standards for counsel in post-conviction matters; and (c) creation of an innocence inquiry commission.

Mahvi cooperated with the investigation into his prior counsel. The Ohio disciplinary counsel assured him that once all his "state remedies were exhausted," a comprehensive review could be made of his case.

In 2021, Mahvi hired an independent investigators to develop the evidence showing his innocence, and once he had their report, and armed with the knowledge that his counsel had been disbarred, Mahvi, still Pro Se, filed a new motion to overturn his conviction in December 2021.

In addition, Mahvi's new counsel worked to exhaust his Ohio Medicaid and SNAP recipient remedies. He sent a series of letters and Error and Fraud Reports to various Ohio Agencies, including the Governor and the Attorney General showing Mahvi's actual innocence. These culminated in an April 7, 2023, Letter of Attestation which summarized the matter and Mahvi's continuing efforts to get justice, and on April 19, 2023, followed up with a Request for Verification letter to the Governor's deputy legal counsel setting forth the facts of Mahvi's financial condition in the relevant period and his repeated efforts to obtain justice.

Neither the Ohio Governor's office nor the Attorney General's office responded with substance. Mahvi then, on July 1, 2024, filed a complaint for money damages pursuant to section 1981, 1983, and 1985 against the state and county entities responsible for his unjust conviction and the media entities that published falsehoods in support of that wrongful conviction. The district court determined that Ohio's two-year statute of limitations applied, finding no reason to toll the limitations period, and dismissed all claims in the complaint as time-barred. Despite Mahvi's extensive evidence of his efforts to exhaust his state remedies – Mahvi filed a chart showing these efforts as Exhibit A to his Appellant's Brief (dkt. 16, Jan 23, 2026)-which continued into 2023, the Sixth Circuit affirmed.

3. The Court's Holding in *Heck v. Humphrey*

In *Heck v. Humphrey*, 512 U.S. 477 (1994), the Court decided that claims under the section 1983 of the Civil Rights Act of 1870 were barred for prisoners,

holding that the habeas corpus statute provided the exclusive means for challenging a criminal conviction. It held that during the pendency of state processes to overturn a conviction, that such claims would not accrue, but instead would only come into being once those efforts to set aside the conviction had borne fruit. In his concurring opinion, Mr. Justice Souter raised the possibility that this delay of accrual ought to apply to all challenges to the conviction, not merely those that are successful.

The Court has subsequently limited *Heck*, most recently in *Olivier v. City of Brandon*, 607 U.S. 552 (2026), which held that the *Heck* bar did not preclude forward looking claims that did not depend on a direct challenge to the conviction.

In this case, the fundamental basis of the holding in *Heck* – that the habeas corpus statute is the exclusive avenue for challenging a conviction – does not apply, because Mahvi did not commence his federal case until well after his sentence had been served and fine paid. Thus, Mahvi could not have filed a petition for a writ of habeas corpus at this time. And even if he could, a habeas proceeding could never make him whole, given his substantial losses.

REASONS FOR GRANTING THE PETITION

In addition to correcting the gross injustice Ohio authorities have visited upon Mahvi, this case presents the Court with an opportunity to further limit if not outright overrule *Heck* to maximize the opportunities and incentives for litigants to completely exhaust all their state remedies, including executive clemency, prior to commencing a suit in federal court.

It is true that this could delay the commencement of some federal lawsuits. In return, the number of federal lawsuits would be reduced by both the incidences where pursuing state remedies was successful, and also, one presumes, by the incidences where the state process, even if does not result in a reversal of what was done below, nonetheless provides a cure of constitutional defects. This would amount to a reduction of the federal court's case load.

Nothing in the federal statues at issue in this case – sections 1981, 1983, 1985 – prevents the Court from determining that while borrowing state statutes of limitation is an appropriate first step, tolling those state limitations so that other state processes can be pursued all the way to completion, serves the purpose of those statutes and justice. States get a complete opportunity to cure their constitutional violations, if they decide to take it, and litigants are not forced to commence a federal lawsuit while their state efforts are ongoing, especially when those efforts aim at collecting evidence regarding improperly withheld exculpatory evidence.

This case also provides an opportunity to clarify that the pause in accrual noted in *Heck* does not depend on whether or not the state process is successful. Actions under the Civil Rights Act are predicated on states' unconstitutional conduct. It makes no sense to allow a state to be the judge of whether or not its conduct was unconstitutional – if a state's finding that it did not violate the Constitution was always preclusive, then Congress would not need to have created a federal claim for addressing unconstitutional state action.

In *Heck*, the Court assumed that a claim under 1983 only arises if the state court has vacated a conviction. This is not and cannot be the law. And the formulation in *Heck* creates an inherent contradiction: a claim does not accrue while a litigant is pursuing his state remedies if the claimant is successful, but it, apparently does accrue while the claimant is pursuing an unsuccessful state remedy. This makes no sense: litigants should not be required to file federal claims while state claims are pending, regardless of how the state process ultimately turns out.

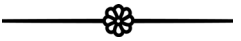
The inadequacy of the habeas remedy is very sharply illustrated by this case. Mahvi was jailed for only 30 days. However, the prosecutor's global pretrial publicity from this unconstitutional prosecution cost Mahvi tens of millions of dollars, and ultimately cost the Federal Government and the state tax revenue.

Money damages are not available under habeas. *Preiser v. Rodriguez*, 411 U.S. 475 (1973). Certainly nothing in the text of the Civil Rights Act indicates that state or county authorities can knowingly cause millions of dollars of harm, and only have to litigate

whether or not a brief (or already concluded) incarceration was justifiable.

This case provides the Court with a clear opportunity to set a bright line rule, one that makes sense because the application of which will always be based on facts that have already occurred. The best way to decide when a claim has accrued under these federal statutes is to look back from the filing date and determine whether during the period stretching however far the state limitation period provided there were bona fide and continuing efforts underway to cure the constitutional violations that are the basis of the complaint.

In this case, that answer is clear: Mahvi was still pursuing an executive remedy within two years of filing his federal lawsuit. For this reason, the petition for a writ of certiorari should be granted.



CONCLUSION

For the foregoing reasons, petitioner Ali Pascal Mahvi respectfully requests that this Court issue a writ of certiorari to review the judgment of the United States Court of Appeals for the Sixth Circuit.

Respectfully submitted,

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