

NOV 25 2024

No. 24A526

In The

United States Supreme Court

Saeed Moslem, Pro Se Appellant

v.

United States of America, Appellee

Emergency Motion for Stay and Immediate Relief

From the Order of the United States Court of Appeals for the Second Circuit

Docket Numbers:

22-2789 (L), 22-2790 (Con.), 23-6621 (Con.), 23-7144 (Con.), 23-7151 (Con.), 23-7709  
(Con.), 24-543 (Con.)

Date of Order Denial: November 22, 2024

Relief Sought:

Immediate relief from the denial of transportation to attend oral arguments  
scheduled for the week of December 9, 2024.

Submitted by:

Saeed Moslem

Pro Se Appellant

FCI Fort Dix

P.O. Box 2000

Joint Base MDL, New Jersey 08640

Date: November 25, 2024

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## Emergency Motion for Stay and Immediate Relief

Appellant: Saaed Moslem

Respondent: United States of America

Second Circuit Docket Nos.: 22-2789 (L), 22-2790 (Con.), 23-6621 (Con.), 23-7144 (Con.), 23-7151 (Con.), 23-7709 (Con.), 24-543 (Con.)

To the Honorable Justice Sonia Sotomayor,

Saaed Moslem, pro se appellant, respectfully submits this emergency motion seeking immediate relief from the United States Court of Appeals for the Second Circuit's order dated November 22, 2024, which denied his motion for transportation to attend oral arguments.

### Background

Current Status: Appellant is incarcerated at FCI Fort Dix, NJ.

Scheduled Oral Arguments: The Second Circuit has scheduled oral arguments for the week of December 9, 2024.

Previous Motion: On October 28, 2024, appellant filed a motion requesting transportation to attend oral arguments in person, which was denied on November 22, 2024. The Second Circuit summarily denied appellant's motion without explanation.

### Grounds for Emergency Relief

#### I) Right to Be Present at Critical Stages:

The right to be present at all critical stages of criminal proceedings is fundamental and protected by the Due Process Clause of the Fifth and Fourteenth Amendments. *Kentucky v. Stincer*, 482 U.S. 730, 745 (1987); *United States v. Gagnon*, 470 U.S. 522, 526 (1985).

Oral arguments are a critical stage where appellant's presence is essential to clarify issues and respond to judicial inquiries. *United States v. Birrell*, 482 F.2d 890, 892 (2d Cir. 1973).

#### II) Right to Self-Representation:

The Sixth Amendment guarantees a defendant's right to conduct his own defense, extending to appellate proceedings. *Faretta v. California*, 422 U.S. 806 (1975); *United States v. Morales*, 498 F.3d 99, 102 (2d Cir. 2007).

III) Access to Courts:

Prisoners have a constitutional right of access to the courts, including presenting claims effectively. *Bounds v. Smith*, 430 U.S. 817 (1977). Denying appellant's presence could infringe upon this right.

IV) Presence in Post-Conviction Proceedings:

The Second Circuit recognizes a defendant's right to be present in certain post-conviction proceedings, emphasizing their ability to contribute meaningfully. *United States v. Arrous*, 320 F.3d 355, 361 (2d Cir. 2003).

V) Due Process Considerations:

Applying the balancing test from *Mathews v. Eldridge*, 424 U.S. 319 (1976), appellant's private interest in attending oral arguments outweighs any administrative burden associated with transportation.

Relief Sought

Appellant respectfully requests that this Court:

- A- Issue an emergency stay of the Second Circuit's order denying transportation.
- B- Order the United States Marshals Service or other appropriate authority to transport appellant from FCI Fort Dix to the Second Circuit for oral arguments.

Conclusion

For these reasons, appellant respectfully requests that this Court grant this emergency motion to protect his constitutional rights and ensure fair administration of justice.

Respectfully submitted,



Saad Moslem

Pro Se Appellant

FCI Fort Dix

P.O. Box 2000

Joint Base MDL, New Jersey 08640

Date: November 25, 2024

**UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 22<sup>nd</sup> day of November, two thousand and twenty-four,

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United States of America,

Appellee,

v.

Mehdi Moslem, Saaed Moslem,

Defendants- Appellants.

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**ORDER**

Docket No. 22-2789 (L), 22-2790  
(Con.), 23-6621 (Con.), 23-7144  
(Con.), 23-7151 (Con.), 23-7709  
(Con.), 24-543 (Con.)

Appellant, Saaed Moslem, *pro se*, moves for transportation to attend oral argument and for argument time.

IT IS HEREBY ORDERED that the motions are DENIED.

For the Court:

Catherine O'Hagan Wolfe,  
Clerk of Court

  
