

APPENDIX A
COURT OF APPEALS

ORDER
1/26/2023

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 21-5189

September Term, 2022

1:20-cv-00726-CJN

Filed On: January 26, 2023

Tony Weems,

Appellant

v.

Patricia K. Cushwa, Commissioner of the
United States Parole Commission, et al.,

Appellees

BEFORE: Millett, Rao, and Childs, Circuit Judges

ORDER

Upon consideration of the motion to stay the mandate, which the court construes as a motion to recall the mandate; and the motion for clarification, which requests additional time to file a petition for rehearing, it is

ORDERED that the motion to recall the mandate be denied. The court's inherent authority to recall its mandate "can be exercised only in extraordinary circumstances," Calderon v. Thompson, 523 U.S. 538, 549-50 (1998), and appellant has identified no such circumstances here. It is

FURTHER ORDERED that the motion for clarification be denied. Appellant had 45 days to seek panel rehearing or rehearing en banc following the entry of the court's October 4, 2022 order. See D.C. Cir. Rule 35(a). Appellant's October 24 filing, styled as a motion for reconsideration, was the only filing submitted during that period and, consistent with the court's practice, was construed as a petition for panel rehearing.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Michael C. McGrail
Deputy Clerk

APPENDIX B

COURT OF APPEALS

ORDER

6/10/2023

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 21-5189

September Term, 2022

1:20-cv-00726-CJN

Filed On: June 12, 2023

Tony Weems,

Appellant

v.

Patricia K. Cushwa, Commissioner of the
United States Parole Commission, et al.,

Appellees

BEFORE: Millett, Rao, and Childs, Circuit Judges

ORDER

Upon consideration of the motion for leave to proceed in forma pauperis, and the petition for a writ of mandamus, it is

ORDERED that the motion for leave to proceed in forma pauperis be dismissed as moot. This court granted appellant leave to proceed on appeal in forma pauperis in its order filed May 13, 2022. It is

FURTHER ORDERED that the petition be denied. Appellant has not demonstrated a "clear and indisputable" right to mandamus relief. Gulfstream Aerospace Corp. v. Mayacamas Corp., 485 U.S. 271, 289 (1988). To the extent the petition can be construed as a motion to recall the mandate, the court's inherent authority to recall its mandate "can be exercised only in extraordinary circumstances," Calderon v. Thompson, 523 U.S. 538, 550 (1998), and appellant has shown no such circumstances in this case.

The court granted appellees' motion for summary affirmance on October 4, 2022; the court denied rehearing on December 2, 2022; the mandate issued on December 12, 2022; and the court denied appellant's motion for clarification and his motion to stay the mandate, which was construed as a motion to recall the mandate, on

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 21-5189

September Term, 2022

January 26, 2023. Appellant has offered no valid reason for the court to reopen this closed case. The Clerk is directed to accept no further submissions from appellant in this closed case.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk