

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

JOSE TRINIDAD MARTINEZ SANTOYO,
Petitioner,

v.

LASHA BOYDEN, U.S. Marshal for the Eastern District of CA; MINDY MCQUIVEY, Chief, U.S. Probation Office for the Eastern District of CA; MERRICK B. GARLAND, Attorney General; ANTONY J. BLINKEN, Respondents.

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

PETITION FOR A WRIT OF CERTIORARI

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I. Question Presented for Review

The Extradition Treaty between the United States and Mexico provides:

Extradition shall not be granted when the prosecution or the enforcement of the penalty for the offense for which extradition has been sought has become *barred by lapse of time according to the laws of the requesting or requested Party*.

Article 7, United States-Mexico Extradition Treaty Signed at Mexico City May 4, 1978, T.I.A.S. No. 9656 (Jan. 25, 1980), App. 45a (emphasis added).

Under the terms of the United States-Mexico extradition treaty, is the Sixth Amendment Speedy Trial Clause a law of the United States that can bar a criminal prosecution due to the lapse of time?

II. List of Related Proceedings

This petition is related to the following proceedings:

1. *Martinez Santoyo v. Boyden*, No. 24-1967, in the United States Court of Appeals for the Ninth Circuit. The Ninth Circuit filed its opinion on March 11, 2025. The decision of the Ninth Circuit is reported at 130 F.4th 784 (2025).
2. *Santoyo v. Boyden, et al.*, No. 2:23-cv-00447-DJC-JDP, in the United States District Court for the Eastern District of California. Judgment was entered on March 27, 2024. The decision appears at 2024 WL 1305641, 2024 U.S. Dist. LEXIS 55338 (E.D. Cal. Mar. 27, 2024).
3. *In the Matter of Extradition of Jose Trinidad Martinez Santoyo*, No. 2:21-MJ-00125-KJN, in the United States District Court for the Eastern District of California. The Magistrate Judge Certified Mr. Martinez Santoyo for extradition on February 24, 2023. The decision appears at 2023 WL 2228285, 2023 U.S. Dist. LEXIS 31126 (E.D. Cal. Feb. 24, 2023).

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LASHA BOYDEN, U.S. Marshal for the Eastern District of CA; MINDY MCQUIVEY, Chief, U.S. Probation Office for the Eastern District of CA; MERRICK B. GARLAND, Attorney General; ANTONY J. BLINKEN, Respondents.

On Petition for Writ of Certiorari to the
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PETITION FOR A WRIT OF CERTIORARI

Petitioner Jose Trinidad Martinez Santoyo respectfully seeks a writ of certiorari to review an opinion issued by the United States Court of Appeals for the Ninth Circuit.

IV. Citations of Opinions and Orders

The April 21, 2025, order issued by the United States Court of Appeals for the Ninth Circuit denying the Petition for Rehearing and Rehearing *En Banc* is unreported and is reproduced at Appendix A.

The citation for the March 11, 2025, opinion issued by the United States Court of Appeals for the Ninth Circuit affirming the district court order is *Martinez Santoyo v. Boyden*, 130 F.4th 784 (9th Cir. 2025).

The citation for the March 27, 2024, order of the United States District Court for the Eastern District of California denying Mr. Martinez Santoyo's petition under 28 U.S.C. § 2241 challenging his extradition order is *Santoyo v. Boyden*, No. 2024 WL 1305641, 2024 U.S. Dist. LEXIS 55338 (E.D. Cal. Mar. 27, 2024), *aff'd sub nom. Martinez Santoyo v. Boyden*, 130 F.4th 784 (9th Cir. 2025).

The citation for the February 24, 2023, Order certifying Mr. Martinez Santoyo for extradition is *In the Matter of the Extradition of Jose Trinidad Martinez Santoyo*, 2023 WL 2228285, 2023 U.S. Dist. LEXIS 31126 (E.D. Cal. Feb. 24, 2023).

V. Basis for Jurisdiction

The opinion affirming the district court's order denying Mr. Martinez Santoyo's petition under 28 U.S.C. § 2241 was issued by the United States Court of Appeals for the Ninth Circuit on March 11, 2025. App. 2a-14a. The Ninth Circuit denied Mr. Martinez Santoyo's Petition for Rehearing and Rehearing *En Banc* on April 21, 2025. App. A at 1a. This Court has jurisdiction to review the judgment on a writ of *certiorari* pursuant to 28 U.S.C. § 1254(1).

VI. Constitutional Provisions and Treaties Involved in the Case

1. Sixth Amendment to the United States Constitution

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and 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 defence.

2. Extradition Treaty Between the United States of America and the United Mexican States, T.I.A.S. No. 9656 (U.S. Treaty), 31 U.S.T. 5059 (U.S. Treaty), 1980 WL 309106 (U.S. Treaty) (Dec. 9, 1980)

(Reproduced as Appendix E).

VII. Statement of the Case

A. Extradition Proceedings

On January 31, 2014, a court in Jalisco, Mexico, issued a warrant for Mr. Martinez Santoyo's arrest for the offense of Aggravated Intentional Homicide with Advantage, in violation of Article 213, in relation to Article 219, as stated in Article 6 of the Criminal Code of Jalisco. App. 30a. Mexican law enforcement believed that on the night of December 20-21, 2013, Mr. Martinez Santoyo and five other men were drinking outside of a pool hall in the community of Tenzompa, Huejuquilla el Alto, Jalisco, Mexico. App. 30a. In the early morning hours of December 21, 2013, Mr. Martinez Santoyo allegedly got into an argument

Vela Miranda, one of the other men with whom he had been drinking and talking. Mexican law enforcement believed that this argument eventually led to Mr. Martinez Santoyo fatally shooting Mr. Miranda. App. 30a. The arrest warrant included Mr. Martinez Santoyo's correct home address in the town of Sutter, California, in the United States. ER-172.

B. Proceedings in the United States District Court for the Eastern District of California.

For over seven years after the January 31, 2014, arrest warrant was issued, the Mexican government apparently did nothing to have Mr. Martinez Santoyo arrested and extradited. Then sometime in late 2020 or early 2021, Mexico submitted a provisional request to the United States seeking the arrest and extradition of Mr. Martinez Santoyo to Mexico. App. 30a. On August 9, 2021, the U.S. Government filed the Complaint for a provisional arrest warrant for Mr. Martinez. App. 4a. That day a magistrate judge signed a warrant for Mr. Martinez Santoyo's arrest. The arrest was not carried out until nine months later, on May 12, 2022. App. 4a.

An extradition hearing was held on February 22, 2023, and on February 24, 2023, the magistrate judge issued an order certifying Mr. Martinez Santoyo for extradition to Mexico. App. 29a-42a.

Mr. Martinez Santoyo then filed a petition pursuant to 28 U.S.C. § 2241 challenging the Certificate of Extradition. One of the claims Mr. Martinez Santoyo

made was that under the terms of the treaty, his extradition was time-barred. Mr. Martinez Santoyo pointed to the fact that Article Seven of the United States-Mexico extradition treaty forbids criminal extradition if prosecution has become “barred by the lapse of time” according to the laws of either country. App. 45a. He argued that his prosecution would be barred under the Sixth Amendment to the United States Constitution’s Speedy Trial requirement, and thus extradition was prohibited.

The district judge denied the petition. App. 15a-28a. The district court held that the United States-Mexico Extradition Treaty does not incorporate the Sixth Amendment’s Speedy Trial Clause, and thus denied Mr. Martinez’s claim that the treaty’s lapse of time provision bars his extradition. App. 25a-28a.

C. Proceedings in the United States Court of Appeals for the Ninth Circuit.

The United States Court of Appeals for the Ninth Circuit had jurisdiction over Mr. Martinez Santoyo’s appeal pursuant to 28 U.S.C. §§ 1291, 1294, and 2253.

After briefing and oral argument, a three-judge panel of the United States Court of Appeals for the Ninth Circuit issued a published opinion holding that the United States-Mexico Extradition Treaty’s lapse-of-time bar does cover violations of the Sixth Amendment Speedy Trial Clause. App. 2a-14a. The Ninth Circuit recognized that Article Seven of the Extradition Treaty provides

“Extradition shall not be granted when the prosecution or the enforcement of the penalty for the offense for which the extradition has been sought has become barred by the lapse of time according to the laws of the requesting or requested Party.” United States-Mexico Extradition Treaty, art. 7. App. 7a. The Ninth Circuit acknowledged this language “implicates some sort of time bar.” App. 8a. This “time bar” does not include the Sixth Amendment Speedy Trial Clause, the Ninth Circuit reasoned, because “the speedy trial right does not prescribe a specific length of time and is context dependent.” App 8a.

Mr. Martinez Santoyo petitioned for rehearing by the panel or rehearing *en banc*, but the petition was denied. App. 1a.

VIII. Reasons for Granting the Petition for a Writ of Certiorari

A. Introduction

This Court should grant this petition for a writ of *certiorari* because the Ninth Circuit decided an important question of federal law: whether an extradition treaty’s provision prohibiting extradition when prosecution is barred by the “lapse of time” under the laws of the United States incorporates the Sixth Amendment Speedy Trial Clause.

The United States is party to dozens of extradition treaties. These treaties are each unique. With respect to whether extradition is prohibited when prosecution of the alleged crime is time-barred, the treaties take a variety of

approaches. Some treaties provide that the passage of time is not a bar to extradition at all.¹ Some provide that if criminal prosecution has become barred by the lapse of time under the laws of the *requested* state, extradition is prohibited.² Still others provide that if criminal prosecution has become barred by the lapse of time under the laws of the *requesting* state, extradition is prohibited.³ Finally, some, including the United States-Mexico Extradition Treaty, prohibit extradition if criminal prosecution of the alleged offense is barred by the lapse of time under the laws of *either* the requesting country *or* the requested country. United States-Mexico Extradition Treaty, art. 7. App. 7a. The question this case raises is whether, for the purposes of the United States-Mexico Extradition Treaty, the United States' Constitution's Sixth Amendment Speedy Trial Clause is a law of the United States that can bar criminal prosecution due to the lapse of time.

¹ *E.g.*, Extradition Treaty with the United Kingdom, art. 6, entered into force February 1, 2010, T.I.A.S. No. 10-201.23.

² *E.g.*, Argentine Extradition Treaty, art. 7, entered into force June 15, 2000, T.I.A.S. 12866.

³ *E.g.*, Austrian Extradition Treaty, art. 7, entered into force January 1, 2000, T.I.A.S. 12916.

B. According to the Plain Language of the United States-Mexico Extradition Treaty, Laws That Can Bar Prosecution Due to the “Lapse of Time” Include the Sixth Amendment Speedy Trial Clause.

This Court has held “[t]he interpretation of a treaty, like the interpretation of a statute, begins with its text.” *Golan v. Saada*, 596 U.S. 666, 676 (2022) (quoting *Abbott v. Abbott*, 560 U.S. 1, 10 (2010)); *CLMS Mgmt. Servs. Ltd. P'ship v. Amwins Brokerage of Georgia, LLC*, 8 F.4th 1007, 1012 (9th Cir. 2021), *cert. denied*, 142 S. Ct. 862 (2022) (same). *See also United States v. Alvarez-Machain*, 504 U.S. 655, 663 (1992) (“In construing a treaty, as in construing a statute, we first look to its terms to determine its meaning”). This Court has held that it must fairly construe treaties according to their terms and “cannot add to or detract from them.” *Valentine v. U.S. ex rel. Neidecker*, 299 U.S. 5, 11 (1936).

The plain language of the United States-Mexico extradition treaty’s “lapse of time” provision incorporates the Sixth Amendment Speedy Trial clause. The Sixth Amendment to the United States Constitution is undoubtedly a “law” of the United States. At its core, the Sixth Amendment Speedy Trial Clause is about the lapse of time in criminal prosecutions. The amendment contains the word “speedy,” and this Court has repeatedly held that it centers on the timeliness of a criminal trial. *See, e.g., Strunk v. United States*, 412 U.S. 434, 439, (1973) (“speedy trial guarantee recognizes that a prolonged delay” creates hardships for a criminal defendant and can require dismissal of criminal indictment); *United States*

v. Marion, 404 U.S. 307, 313 (1971) (the Sixth Amendment “would appear to guarantee to a criminal defendant that the Government will move with the dispatch that is appropriate to assure him an early and proper disposition of the charges against him.”).

Moreover, judicial opinions and legal treatises regularly use the phrase “lapse of time” in discussing the Sixth Amendment Speedy Trial Clause. *See, e.g.*, *Dickey v. Fla.*, 398 U.S. 30, 42 (1970) (Brennan, J., concurring) (with respect to “[t]he *Speedy Trial Clause* . . . the greater the *lapse of time* between commission of an offense and the conviction of the offender, the less the deterrent value of his conviction.”) (emphasis added); *United States v. Hay*, 187 F. Supp. 2d 653, 655 (N.D. Tex. 2002) (granting motion to dismiss indictment for violation of the Speedy Trial Clause where “[t]he government offered no meaningful explanation concerning why there was such a *lapse of time* between the date of the return of the indictment and the date when Hay was brought before the court for trial proceedings.”) (emphasis added); *United States v. Macino*, 486 F.2d 750, 751 (7th Cir. 1973) (reversing conviction on Sixth Amendment speedy trial grounds were there was a “twenty-eight month *time lapse* between arrest and indictment.”) (emphasis added); 7 Am. Jur. Proof of Facts 2d 477 (“The *federal* and state *Constitutions* guarantee the accused the right to a *speedy trial*, in part to protect the defendant from the hazard of a trial after so great a *lapse of time* that the means of

proving his innocence may not be within his reach, as, for instance, by the loss of witnesses or the dulling of memory.”); 2 Modern Constitutional Law § 26:4 (3rd ed.) (“the *Speedy Trial Clause* only applies to the *lapse of time* between indictment and trial.”)

In fact, before the United States-Mexico Extradition Treaty was ratified in 1978, a federal court had already interpreted the “lapse of time” phrase in a different extradition treaty to include the Sixth Amendment speedy trial rights. *In re Mylonas*, 187 F. Supp. 716, 721 (N.D. Ala. 1960), *disapproved of on other grounds by Martin v. Warden, Atlanta Pen*, 993 F.2d 824 (11th Cir. 1993).

Despite the association between the phrase “lapse of time” and the Speedy Trial clause of the Sixth Amendment, the United States-Mexico Extradition Treaty drafters did nothing to choose a phrase narrower than “lapse of time,” such as “statute of limitations,” to include in the treaty. Indeed, the drafters abandoned the previous United States-Mexico Extradition Treaty’s use of the term “barred by limitation” and replaced it with “barred by the lapse of time,”⁴ suggesting an intent

⁴ The preceding 1899 extradition treaty between Mexico and the United States provided that extradition would not take place “when the legal proceedings or the enforcement of the penalty for the act committed by the person demanded has become *barred by limitation* according to the laws of the country to which the requisition is requested.” United States-Mexico Extradition Treaty of 1899, art. III, cl. 3 (emphasis added). *Merino v. U.S. Marshal*, 326 F.2d 5, 8 (9th Cir. 1963) (emphasis added). When the United States and Mexico entered a new extradition treaty in 1978, the term “limitation” was dropped and Article 7, forbidding

to expand the time-based bar to extradition to include not only statutes of “limitations” but all time-based bars, including the Sixth Amendment Speedy Trial Clause.

C. For Purposes of Construing the Language of the United States-Mexico Extradition Treaty, the Sixth Amendment Speedy Trial Clause Cannot Be Meaningfully Distinguished from Statutes of Limitation.

Despite the plain language of the treaty, the Ninth Circuit held that the “barred by the lapse of time” provision in the Extradition Treaty does not include prosecutions that are barred due to a violation of the Sixth Amendment’s Speedy Trial clause. To reach this conclusion, the Ninth Circuit used a false premise to distinguish statutes of limitation, which it acknowledged are “lapse of time” provisions incorporated into the treaty, from the Speedy Trial Clause. The Ninth Circuit asserted that the Speedy Trial Clause, unlike statutes of limitation, required consideration of non-temporal factors in its application. In reality, both the Speedy Trial Clause and statutes of limitation require consideration of factors other than the passage of time in their application.

extradition when prosecution or enforcement of a penalty is “barred by the lapse of time” was added. Extradition Treaty, U.S.-Mex., art. 7.

D. The Speedy Trial Clause Cannot Be Distinguished from Statutes of Limitations on the Ground that Only the Speedy Trial Clause Requires Consideration of Non-Temporal Factors.

When interpreting treaties, federal courts are “guided by principles similar to those governing statutory interpretation.” *Muthana v. Pompeo*, 985 F.3d 893, 903 (D.C. Cir. 2021). Interpretation of a treaty, like interpretation of any legal document “should try to give meaning to every term in that document; otherwise, a lawyer or court will have erred by reading the chosen words of the document into oblivion.” *Bruyea v. United States*, 174 Fed. Cl. 238, 242 (2024) (internal citation omitted).

Here, faced with a provision in the United States-Mexico extradition treaty that prohibits extradition when prosecution is barred due to a lapse of time under either nation’s laws, the Ninth Circuit acknowledged that the provision “implicates some sort of time bar.” App. 8a. The Ninth Circuit then engaged in mental gymnastics to avoid the obvious conclusion that the Sixth Amendment Speedy Trial Clause is “some sort of time bar.” The Ninth Circuit pointed out that in order to determine whether the Speedy Trial Clause has been violated, courts must balance the length of delay with other factors, including the reason for delay, the defendant’s assertion of his right, and prejudice to the defendant. App. 9a. According to the Ninth Circuit, this makes the Speedy Trial Clause distinct from

statutes of limitation, which it implied fall within the “lapse of time” provision.

App. 11a.

The Ninth Circuit’s reasoning not convincing. Application of statutes of limitation involves consideration of many factors other than time. For example, no statute of limitations protects a person “fleeing from justice,” (18 U.S.C. § 3290), so courts deciding statute of limitations issues must determine whether a defendant was “fleeing from justice” while a statute of limitations ran. In addition, just as a court considering a Speedy Trial Clause claim must consider when a defendant asserted her right to a speedy trial, a court considering a statute of limitations claim must decide whether a defendant waived the defense by failing to raise it. *United States v. Hickey*, 580 F.3d 922, 928 n.1 (9th Cir. 2009) (“The statute of limitations is an affirmative defense that is waived if it is not raised at trial”).

Numerous additional issues that are not based on time arise when statutes of limitations are applied. A non-exhaustive list of factors that can arise in application of a statute of limitations includes:

- (1) whether the prosecution sought evidence in a foreign country, which can suspend the running of the limitations period (18 U.S.C. § 3292);
- (2) whether the United States was at war or Congress had enacted specific authorization for the use of the Armed Forces while the statute of limitations was

running, which can, in some cases, suspend the running of the statute of limitations (18 U.S.C. § 3287);

(3) whether an offense involved the sexual or physical abuse, or kidnaping, of a child under the age of 18 years, which bars application of an otherwise applicable statute of limitations during the life of the child, or for ten years after an offense, whichever is longer (18 U.S.C. § 3283);

(4) whether the prosecution and the defendant have entered a “tolling agreement” that alters operation of otherwise applicable statutes of limitations (*see, e.g.*, *United States v. Smukler*, 991 F.3d 472, 490–91 (3d Cir. 2021)); and

(5) whether the charged offense is a “continuing offense” and, if so, when the offense ended and the limitations period began to run (*see, e.g.*, *United States v. Krstic*, 558 F.3d 1010, 1017–18 (9th Cir. 2009)).

The Ninth Circuit’s premise that statutes of limitations and the Speedy Trial Clause can be distinguished because the former involves only the consideration of time but the latter does not is faulty. Both are provisions that can bar prosecution due to the lapse of time, and both require consideration of more than just the passage of time in their application. By reading the Speedy Trial Clause out of the United States-Mexico extradition treaty, the Ninth Circuit failed to follow rules governing interpretation of treaties and thereby failed to give the treaty its proper force and effect.

IX. Conclusion

The United States-Mexico Extradition Treaty enables extraditions between the two nations but does so with specified protections for a person whose extradition is sought. Those who drafted and ratified the treaty made a choice to ban extradition if prosecution for the underlying crime is barred by the passage of time under the laws of either the United States or Mexico. The Sixth Amendment Speedy Trial Clause is a law of the United States that can, in some instances, bar prosecution because of the lapse of time. Rather than acknowledging this protection and directing the district court to consider Mr. Martinez-Santoyo's Speedy Trial Clause claim, the Ninth Circuit engaged in flawed reasoning to read the Speedy Trial Clause protection out of the treaty. This Court should grant

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certiorari to correct the Ninth Circuit's erroneous construction of the United States-Mexico extradition treaty and give force to the protections the treaty includes.

Dated: May 29, 2025

Respectfully submitted,

HEATHER E. WILLIAMS
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s/ Carolyn M. Wiggin
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