

25-5513 **ORIGINAL**
No.

Supreme Court, U.S.
FILED

AUG 22 2025

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

In Re Olamide Olatayo Bello — PETITIONER
(Your Name)

ON PETITION FOR A WRIT OF MANDAMUS AND/OR PROHIBITION

PETITION FOR WRIT OF MANDAMUS AND/OR PROHIBITION

OLAMIDE OLATAYO BELLO #65100510

(Your Name)

Cimarron Correctional facility
3200 South Kings Hwy

(Address)

Cushing, OK 74023

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

Whether the Government argument that "the district court had not entered a final judgement in a Criminal Case", in a various pretrial Final Judgement Orders appeal Can stand the Appellate's Court decision to dismiss an appeal?

Whether a Writ of Mandamus is a proper Venue to Challenge the district Court's improper denial of Designation of Record on Appeals and after the Appellant's Several Motions Compelling and/or requesting the Designation of Record on Appeals in the Appellate Court and District Court?

Whether an Appellant that Proceeded on Appeal Pro Se and Intentional did so and without a Counsel, and without any Notice of Appearance from any Counsel, and with a Motion and/or notice to Proceed Pro Se in the Appellate Court, Present a question "Whether he may Proceed Pro Se" in the Appellate Court Irrespective Of the District Court's representation Status - Pro Se or by a Counsel?

Whether a Motion to dismiss an appeal by a CJA Attorney on a Criminal Case in the district Court Can Stand a decision of the Appellate Court to dismiss an appeal where/when an Appellant proceeded on Appeal Pro se and without a Counsel and with a Motion and/or notice to Proceed on an Appeal Pro se?

Whether Mandamus is a proper remedy when the district Court disregarded the appellate's Court Jurisdiction Pendency the Pretrial Final Judgement Order appeal, and/or the Appellate Court failed to properly exercise its power and/or Jurisdiction, and/or the Government and/or the district Court brought the Prosecution by a reason forbidden and/or Contraven with the Law, Rules and Constitution of the United States and the State of Texas?

PARTIES TO THE PROCEEDING:

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UNITED STATES DISTRICT COURT

Eastern District of Texas

101 E. Pecan Street

Sherman TX 75090

UNITED STATES COURT OF APPEALS

Fifth Circuit

600 S. Maestri Place

Suit 115

New Orleans

LA 70130

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

Fifth Circuit Court of Appeals Cases:

-24-40751
-24-40839
-25-40073

United States District Court Case

-4:23CR136(1)

TABLE OF AUTHORITIES CITED

CASES

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Johnson, 917 F. 2d	6
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In re Papendreou, 139 F. 3d 247, 329 U.S. App. D.C. 210 (D.C. Cir. 1998)	9
Chandler, 398 U.S. 74, 86.	9

STATUTES AND RULES

Rule 29, 33 of Federal Rules of Criminal Procedure
Fifth Circuit Rule 11-2

OTHER

28 U.S.C. § 1542
32 U.S.C. § 141

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF MANDAMUS

Petitioner respectfully prays that a writ of mandamus issue.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 05/14/2025 (May 14, 2025)

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

First Amendment Right
Sixth Amendment Right
Fifth Amendment Right
Fourth Amendment Right
Eighth Amendment Right
Fourteenth Amendment Right

STATEMENT OF THE CASE

Mr. Olamide Olatayo Bello filed a notice of appeal from various pretrial final judgement orders entered by the United States District Court for the Eastern District of Texas prior to the jury trial on January, 13, 2025 (01/13/2025). See United States v. Bello, No. 24-40751; United States v. Bello, 24-40839; United States v. Bello, 25-40073. Mr. Olamide Olatayo Bello was a pro se Appellant.

The District Court proceeded to trial by a jury and Mr. Olamide Olatayo Bello was convicted by a jury on January 16, 2025 (01/16/2025) pending the appeals of various pretrial final judgement orders.

On January 15, 2025 (01/15/2025) during the trial and after the Government rest its case-in-chief, and at the recess, the presiding Judge, Hon. Judge Amos L. Mazzant III pronounced the prosecution "wrong" and that the upper court will overturn jury's conviction, and Mr. Olamide Olatayo Bello instantly and timely move for Rule 29 Motion for judgement of Acquittal. The Motion was later denied as moot on July 24, 2025 (07/24/2025) after sentencing.

The district court proceeded to sentencing on July 24, 2025 (07/24/2025), the presiding judge was reminded and affirmed the prosecution "wrong", adopted New government's discovery, claimed the it was jury's conviction and he had no other remedy at law to correct jury's conviction error, claimed Mr. Olamide Olatayo Bello had 14-days to object the new discovery upon

his instant objection, and proceeded with the sentencing and intentionally improperly disregarded the Mandate of Rule 33 of the Federal Rules of Criminal Procedure upon a new discovery and the due process, and improperly denied his Rule 33 Motions timely filed.

The Appellate Court failed to properly exercise its power and the sole purpose of its existence when the district court disregarded the Appellate's court opinions and/or jurisdiction pendency the various pretrial final judgement orders appeals.

Mr. Olamide Olatayo Bello properly and timely "redress a grievance" and/or invoked "access-to-court" pendency the appeals from various pretrial final judgement orders and upon several motions in the appellate court compelling jurisdictional review and/or supervisory and/or an order compelling the district court to properly adjudicate a case, and upon no other available remedy at law, and through the Writ of Mandamus, and he was improperly denied. See Appendix B, United States v. Bello, Mo. 24-40751, No. 24-40839, Mo. 25-40073

The district Court appointed CJA Attorney Philip A. Linder improperly Intervene on an appeal USA v. Bello, No. 24-40203 and improperly Moved and/or Petition the Appellate Court to dismiss an appeal that was filed and/or Initiated Pro Se, and/or was proceeding Pro Se, and/or Pro Se Motion was granted, and without the Appellant's proper notice and approval. See USA v. Bello No.: 24-40203, and the Appellate Court improperly entertain the Motion and/or Petition and dismissed the appeal improperly despite the Appellant's timely filed Motion to re-instate the Appeal. Appendix C

The Appellate Court improperly Certified the Controlling questions of law and rules to the United States Supreme Court and the State of Texas Supreme Court. See Appendix D; see USA v. Bello, No. 25-40073

The appellate Court Inordinately delay his decisions on Mr. Olamide Olatayo Bello challenging the Improper Violation of the guaranteed and protected First, Fourth, Fifth, Eighth, and Fourteenth Amendment Constitutional right and due process. See Appendix F

The Appellate Court improperly denied Mr. Olamide Olatayo Bello of its plan for expediting Criminal Appeals and imposition of necessary Sanctions pursuant to 5th Circuit Rule 11.2 where and/or when "Justice"

Required knowing that "Justice delay is Justice denied"
Johnson, 917 F.2d at 1285

Mr. Olamide Olatayo Bello was improperly denied access to the designation record on appeals by the District Court during the cause of several appeals. See Bello v. U.S.A., No. 24-40569; Bello v. U.S.A., 24-40751; U.S.A. v. Bello, 24-40839; U.S.A. v. Bello, 25-40073; Appendix E

The District Court wrongfully proceeded to a jury trial assuming the notice of appeal from various pretrial final judgement orders to be ineffective. See U.S.A. v. Bello, No. 24-40839

The district court abuse its discretion and proceeded wrongfully to a jury trial inconsistent with the first, fourth, fifth, sixth, eighth, and fourteenth amendment, and due process and contraven the state of Texas laws and rules. See U.S.A. v. Bello, No. 25-40073

Mr. Olamide Olatayo Bello is innocent of the offense charged and has been continuously incarcerated, unlawfully convicted and sentenced to 293 months in prison for a crime he did not committed and by reasons forbidden by the law, rules, and Constitution of the United States and the state of Texas.

Request For Relief:

Wherefore, Relator requests this Court to grant this petition and issue a peremptory emergency Writ of Mandamus and/or Prohibition, enjoining the Criminal Prosecution, vacate, set aside the Jury Convict and Sentencing, and remand the Case for Judgement of Acquittal; and for an immediate release of Relator from the custody

REASONS FOR GRANTING THE PETITION

MANDAMUS IS THE PROPER REMEDY

This Court is empowered to issue the requested order. The power of this Court to issue orders which the Relator relies was resolved in the affirmative by the Court in *United States v. Choi*, 818 F. Supp. 2d 79; *Maryland v. Sopes*, 270 U.S. 36

The writ of mandamus has traditionally been used in the Federal Courts only to confine an inferior court to a lawful exercise of its prescribed jurisdiction or to compel it to exercise its authority when it is its duty to do so. See *In re Papendreou*, 139 F.3d 247, 329 U.S. App. D.C. 210 (D.C. Cir. 1998) (issuing writ of mandamus to a district court)

Issuance of a writ of mandamus as applicable here, is that it be acting in support of the appellate jurisdiction. Cf. *Chandler v. Judicial Council of the Tenth Circuit*, 398 U.S. 74, 86, 90 S. Ct. 1648, 26 L. 2d 100 (1970) (holding that Supreme Court can only issue a writ of mandamus "insofar as such writs are in aid of its appellate jurisdiction")

Mandamus will lie to afford a defendant, public, and the government a complete, full, accurate, and unbridge justice in the Criminal Case number 4:23CR136(1)

Mandamus here will project the integrity and the administration of justice

The jurisdictional conditions precedent to this Court's exercise of mandamus power under the above statute are satisfied in the present case. First, issuance of the requested order is not only appropriate but is necessary in aid of the jurisdiction of this court and the Fifth Circuit Court of Appeals. Specifically, if this court issued the requested order, the government may proceed directly to a judgement reviewable by this court or the court of appeals for the Fifth Circuit under 28 U.S.C §1342 and 32 U.S.C. §141. If the government action in effectively suspending the issued order is allowed to stand, the government will proceed to the testimony period and the issue here raised by the Relator will be mooted.

Mandamus will lie to afford a defendant that a prosecution was brought by a reason forbidden by the law, rules, and constitution.

CONCLUSION

The petition for a writ of mandamus and/or prohibition should be granted.

Respectfully submitted,
Mr. Olamide Olatayo Bello


Date: 8/19/2025