

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

May 14, 2025

Lyle W. Cayce
Clerk

IN RE OLAMIDE OLATAYO BELLO,

Petitioner.

Petition for Writ of Mandamus to the
United States District Court
for the Eastern District of Texas
USDC No. 4:23-CR-136-1

UNPUBLISHED ORDER

Before STEWART, Ho, and WILSON, *Circuit Judges.*

PER CURIAM:

Olamide Olatayo Bello, a federal post-trial detainee (# 65100-510) currently confined at the Fannin County Jail, has filed in this court a pro se petition for a writ of mandamus and a motion requesting leave to file his mandamus petition in forma pauperis (IFP). The motion for leave to proceed IFP is GRANTED.

On January 16, 2025, a jury returned a verdict finding Bello guilty of one count of conspiracy to commit wire fraud in violation of 18 U.S.C. § 1349 and one count of conspiracy to commit money laundering in violation of 18 U.S.C. § 1956(h). The district court has not yet sentenced Bello or entered a judgment of commitment. Prior to the jury trial, Bello filed a notice of appeal from various pretrial orders entered by the district court. *See United*

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States v. Bello, No. 24-40751. Contending that various record documents were necessary for his appeal, Bello filed in the district court a pro se Motion for Order of Additional Designation of Record on Appeal and a pro se Motion to be Loaned/Furnished a Copy of the Additional Record on Appeal. On March 25, 2025, the district court entered an order denying the motions on the ground that Bello was represented by counsel. The district court also directed the clerk's office to return any future pro se pleadings filed by Bello. In his mandamus petition, Bello contends that the district court erred in denying his motions and erred in refusing to accept his pro se filings. For relief, he requests an order directing the district court to (i) vacate its March 25, 2025 order and (ii) order Bello's release from custody pending resolution of his appeal in No. 24-40751.

"Mandamus is an extraordinary remedy that should be granted only in the clearest and most compelling cases." *In re Willy*, 831 F.2d 545, 549 (5th Cir. 1987). A party seeking mandamus relief must show both that he has no other adequate means to obtain the requested relief and that he has a "clear and indisputable" right to the writ. *Id.* (citation omitted).

On April 8, 2025, this court entered an order dismissing Bello's appeal in No. 24-40751, on the Government's motion. The Government argued that the district court had not entered a final judgment in Bello's criminal case and that his appeal was interlocutory. *See United States v. Bello*, No. 24-40751 (5th Cir. Apr. 8, 2025) (unpublished). Because his appeal has been dismissed, Bello's complaints regarding the district court's denial of his motions—which were premised on his need to obtain documents in order to prosecute his appeal—are moot.

As Bello has been represented by counsel in the district court, we question whether he may proceed pro se to seek mandamus relief relating to his criminal case. *See McKaskle v. Wiggins*, 465 U.S. 168, 183 (1984); *United*

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States v. Daniels, 572 F.2d 535, 540 (5th Cir. 1978). In any event, he has not demonstrated a “clear and indisputable right” to the writ. *In re Willy*, 831 F.2d at 549 (internal quotation marks and citation omitted).

The petition for a writ of mandamus is DENIED.



A True Copy
Certified order issued May 14, 2025

Tyler W. Cayer
Clerk, U.S. Court of Appeals, Fifth Circuit

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