

No. 25-6085

IN THE

SUPREME COURT OF THE UNITED STATES

ORIGINAL

Marlon, Rando, Lee — PETITIONER  
(Your Name)

FILED  
SEP 16 2025  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

vs.

USA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals For the Fifth Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Marlon, Rando, Lee #39387-048  
(Your Name)

FCI Beaumont, Medium  
(Address)

Po Box 26040, Beaumont TX 77720  
(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)

RECEIVED  
OCT 27 2025  
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SUPREME COURT, U.S.

## QUESTION(S) PRESENTED

- ① Whether the Fifth circuit erred in denying petitioner's writ of mandamus where the district court has failed to rule on petitioner's pending 28 U.S.C. § 2255 motion for over a year, in violation of Rule 4(B) of the Rules governing section 2255 proceedings and petitioner's due process rights.
- ② Whether prolonged judicial inaction on a properly filed § 2255 motion, when coupled with allegations of government misconduct including "Brady" violations, false testimony by law enforcement, and a false declaration by an AUSA - constitutes an "extraordinary circumstance" justifying mandamus relief.
- ③ Whether such delay and misconduct, taken together, entitle petitioner to Habeas relief or immediate release under 28 U.S.C. § 2241(a) and the Suspension Clause of the United States Constitution.

## 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

424-cv-53-SDJ-BD  
420-cr-295-SDJ  
No. 25-40207

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## TABLE OF AUTHORITIES CITED

### CASES :

PAGE NUMBER :

Brady v Maryland

### STATUTES AND RULES :

Base on the supporting documents  
a concern of a Brady rule, that  
the government's withholding of material  
exculpatory Evidence violates due process, in violation  
of Rule 15(F)

### OTHER :

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

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**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 B 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 7-22-2025.

☒ 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

Based on the Record and the supplanting documents  
I provided. Shows that my Brady rights were violated  
and my Rights to a Fair trial and my ~~legal~~ Due process  
Rights. By officer Skinner planting Evidence in my  
case and altered my discovery as well.



## STATEMENT OF THE CASE

On January 14, 2024, petitioner Marlon Rando Lee Filed a motion to vacate, set aside, or correct his sentence pursuant to 28 USC § 2255 in the United States District Court for the Eastern District of Texas. (United States v. Lee, NO. 4:24CV53; related criminal case NO. 4:20-cr2954). In that motion, petitioner raised serious constitutional claims, including violations of *Brady v. Maryland*, 373 U.S. 83 (1963) the use of false testimony by government agents, the planting of evidence, and a false declaration submitted by AUSA, under Rule 4(b) of the Rules governing Section 2255 proceedings, the district court is required to promptly review and rule on such motions. More than a year passed, however, with no substantive ruling by the district court on petitioner's motion. The prolonged delay caused significant prejudice by preventing timely adjudication of claims that, if true, demonstrate wrongful conviction and unlawful custody. On April 16, 2025, petitioner filed a petition for writ of mandamus in the United States Court of Appeals for the Fifth Circuit seeking to compel the district court to act on his pending § 2255 motion. On 7-22-25, the Fifth Circuit denied mandamus relief, holding that petitioners had not shown the type of "extraordinary circumstance" warranting such relief, despite the ongoing and prejudicial delay. Petitioner now seeks review by this court. He has no other adequate means of relief, as the district court has refused to act on his § 2255 motion, and the court of appeals has declined to compel action. Petitioner remains in Federal custody based on a conviction obtained through misconduct, Brady violation and false declaration by AUSA,

## REASONS FOR GRANTING THE PETITION

This case presents an urgent question of constitutional importance; whether a Federal prisoner is denied due process when the district court refuses to act on a pending 28 U.S.C. § 2255 motion for more than a year, despite clear statutory and rule-based obligations to do so. The Fifth Circuit's denial of mandamus relief leaves petitioner without any adequate remedy, even though the underlying claims involve government misconduct of the gravest kind—Brady violations, perjured testimony, planted evidence, and a false declaration by AUSA. The refusal to address these claims in a timely manner undermines the integrity of the criminal justice system, raises profound separation-of-power concerns, and conflicts with this court's precedents recognizing the necessity of prompt judicial review of liberty-restraining orders. Review by this court is warranted to resolve the constitutional implications of prolonged judicial inaction and to ensure that extraordinary remedies remain available in extraordinary cases.

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

10-14 Malinda Lee

Date: 10-14-2025