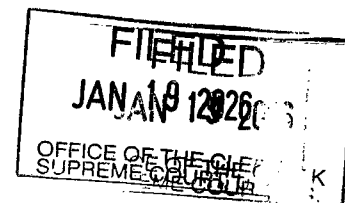


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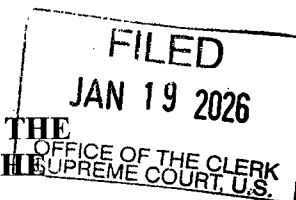
No. _____

IN THE
SUPREME COURT OF THE UNITED STATES



IN RE: DEON D. COLVIN —PETITIONER

ON PETITION FOR A WRIT OF MANDAMUS TO THE
UNITED STATES COURT OF APPEALS FOR THE
DISTRICT OF COLUMBIA CIRCUIT



PETITION FOR WRIT OF MANDAMUS

DEON D. COLVIN
(Your Name)

743 FAIRMONT STREET NW #211
(Address)

WASHINGTON, DISTRICT OF COLUMBIA. 20001
(City, State, Zip Code)

216-396-8512
(Phone Number)

QUESTION(S) PRESENTED

1. Does the D.C. Circuit Court of Appeals have jurisdiction over this matter?
2. Did the Special Panel of the D.C. Circuit Court of Appeals have the authority to dismiss the case?
3. Is a writ of mandamus directing the D.C. Circuit Court of Appeals to send the case back to the district court appropriate for this case?

LIST OF PARTIES

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

[X] 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:

- A. District of Columbia Court of Appeals, et al. (Respondent)
- B. United States Court of Appeals for the District of Columbia Circuit (Respondent)

RELATED CASES

- *Deon D. Colvin v. District of Columbia et al*, No. 1:23-cv-03485-UNA, United States District Court for the District of Columbia. Judgment entered: Dismissed with prejudice, January 16, 2024.
- *Deon D. Colvin v. Howard University*, No. 19-CV-1250 & 20-CV-0122 (Consolidated), D.C. Court of Appeals. Judgment entered: Dismissed.
- *Deon D. Colvin v. Howard University*, No. 2019-CAB-007929, Superior Court of the District of Columbia. Judgment entered: Dismissed.
- *Deon D. Colvin v. Howard University*, No. 2019-CAB-003573, Superior Court of the District of Columbia. Judgment entered: Dismissed.

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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 for 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 **opinions** of the _____ appear at Appendix to the petition and is

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☐ is unpublished.

JURISDICTION

The jurisdiction of the U.S. Supreme Court is invoked under 28 U.S.C. § 1651.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

This constitutional and statutory provisions involved in the present matter are as follows:

I. THE CONSTITUTION OF THE UNITED STATES OF AMERICA, AMENDMENT V:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against itself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

II. UNITED STATES CODE – TITLE 28 – PART V---CHAPTER 111---SECTION 1651- Writs

(28 U.S. CODE § 1651)

(a) The Supreme Court and all courts established by Act of Congress may issue all writs necessary and appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.

III. UNITED STATES CODE – TITLE 28 – PART IV---CHAPTER 81---SECTION 1291 – Final decisions of district courts (28 U.S. CODE § 1291)

The courts of appeals (other than the United States Court of Appeals for the Federal Circuit) shall have jurisdiction of appeals from all final decisions of the district courts of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands, except where a direct review may be had in the Supreme Court. The jurisdiction of the United States Court of Appeals for the Federal Circuit shall be limited to the jurisdiction described in sections 1292 (c) and (d) and 1295 of this title.

REQUEST FOR WRIT OF MANDAMUS¹

Pursuant to 28 U.S.C. §1651, Applicant requests this Court issue a writ of mandamus to the United States Court of Appeals for the District of Columbia Circuit, directing that Court to return case no. 24-7016, *Deon D. Colvin v. District of Columbia Court of Appeals et al.*, to the United States District Court for the District of Columbia, on the grounds that it does not have subject matter jurisdiction of the case, which lies with the aforementioned district court.

STATEMENT OF THE CASE

The Clerk of the District Court must keep a record known as the “civil docket,” and must enter each civil action in that docket; actions must be assigned consecutive file numbers; and papers filed with the Clerk must be “marked with the file number and entered chronologically in the docket.” Fed. R. Civ. P. 79 (a)(1)-(2) at App. N.

The crux of this case is that this Rule was often not executed by the Clerk in the instant matter, and as a result the District Court of the District of Columbia needs to adjudicate several Rule 59 (e) motions that were filed but not docketed, and correct the case record accordingly.

This case revolves around how Applicant and the D.C. Circuit Court of Appeals responded to the inaccurate case record the District Court sent to that court. Applicant responded by filing motions with the Court for leave to correct the record and have the District Court rule on the undocketed Rule 59 (e) motions, pursuant to Federal and Appellate Rules of Civil Procedure, and the Internal Practices and Procedures of the Court. The D.C. Circuit Court of

¹ Applicant is *pro se* and not a lawyer. The pleadings of *pro se* litigants are provided liberal construction by the Court. *Haines v. Kerner*, 404 U.S. 519, 520-521 (1972) (“allegations of the *pro se* complaint...we hold to less stringent standards than formal pleadings drafted by lawyers”); *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (“A document filed *pro se* is to be liberally construed, and a *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers”); *Hall v. Bellmon*, 935 F. 2d 1106, 1110, n.3 (10th Cir. 1991) (“The *Haines* Rule applies to all proceedings involving a *pro se* litigant”).

Appeals responded by ordering Applicant to file an appellant brief, and include any argument he wished regarding the Court's jurisdiction and the accuracy of the District Court record. *See App. C.* While Applicant was awaiting the en banc Court's ruling on his motion for clarification of its order that he file an appellant brief, a Special Panel of the Court intervened and ordered the case dismissed, pursuant to D.C. Circuit Rule 38 on the grounds Applicant made repetitious submissions and failed to file a brief. *See App. A*

The Special Panel gave Applicant until December 26, 2025 to file a motion for rehearing on its dismissal. On December 29, 2025, Applicant submitted filed an emergency motion for stay of proceedings pending the filing and disposition of a writ of mandamus with the Supreme Court, and a motion for rehearing en banc for the Special Panel's dismissal of the case.² In the latter motion, Appellant claimed the Special Panel had no jurisdiction to issue the dismissal order, and thus the order was void *ab initio*, and requested the en banc Court return the case to the District Court.

Events in the Lower Courts Leading to Applicant's Filing of a Petition for Writ of Mandamus

Events in the District Court

On November 20, 2023, Applicant filed a complaint against the District of Columbia Court of Appeals et. al. in the U.S. District Court for the District of Columbia (case no. 1:23-cv-03485). On January 16, 2024, the district court entered an order dismissing the complaint with prejudice. *See App. B.* On February 5, 2023, Applicant filed a Rule 59 (e) motion to alter or amend the judgement, along with an attached amended complaint,³ and a notice of appeal. On

² December 26, 2025 was a federal holiday for the federal judiciary, so Appellant's motion was due the next business day, which was December 29, 2025.

³ All subsequent motions to alter or amend were also combination motions that requested leave to amend pursuant to Rule 15 (a) and had amended complaints attached.

February 8th, February 12th (App. K), February 16th, and March 28th, 2024 (App. F), Applicant filed amended Rule 59 (e) motions to alter or amend judgment. Upon receipt of Applicant's notice of appeal from the district court, the D.C. Circuit Court of Appeals opened the subject case (case no. 24-7016). Applicant filed a motion for reconsideration, and in response the Court of Appeals ordered the case be put in abeyance until the district court ruled on Applicant's motions to alter or amend judgment. On May 6, 2024, the district court entered ruling that dismissed the case, noticed the circuit court and sent a copy of the case record. The District Court's ruling and case record did not include a ruling on my February 12th and March 28th Rule 59 (e) motions. *See App. E.*

On June 3, 2024, Applicant filed a Rule 59 (e) motion to alter or amend judgment in the district court (App. G), asserting *inter alia*, that it did not rule on all of his Rule 59 (e) motions in its May 6th judgment and needed to correct this error and other legal and factual errors in the order. On June 5th, 2024, Applicant filed a second notice of appeal. On July 26th, 2024, the district court sent a copy of its docket to the circuit court that included Applicant's second notice of appeal, but did not include Applicant's Rule 59 (e) motions filed on June 3rd, March 28th, and February 12th, 2024 and other filings. *See App. H.*

Events in the D.C. Circuit Court of Appeals

Upon receiving notice of the district Court's May 6th order, the circuit court ordered Appellant file a brief by June 25, 2024. On June 24, 2025, Appellant filed a motion for reconsideration, asserting his notices of appeal were not effective because the district court did not rule on his February 12th, March 28th, and June 3rd, 2025 Rule 59 (e) motions. On July 10th, 2024, the Court observed there were no pending motions to alter or amend judgment on the district court docket and ordered Applicant file an appellant brief by August 12, 2024.

On July 22, 2024, Applicant filed a motion for reconsideration of the July 10th order, asserting the district court failed to rule on all Rule 59 (e) motions, there are material omissions in the case record, and the case record is incomplete. Along with the motion for reconsideration, Applicant filed a motion for leave of court to correct the record, pursuant to Fed. R. Civ. P. 60 (a), Fed. R. App. P. 10 (e)(1) and Fed. R. App. P. 10 (e)(2)(B), and requested the Court put the matter in abeyance until the district court ruled on all Rule 59 (e) motions. Applicant included copies of the Feb. 12, Mar. 28, and June 3rd Rule 59 (e) motions that displayed the date stamps showing the motions had been filed with district court clerk.

On October 3, 2024, the Special Panel did not rule on Applicant's motions, but instead ruled that he file an appellant brief by November 12, 2024 and "raise in the brief any arguments about the district court record, as well as any relevant arguments in support of [his] position on the merits."

On November 4, 2024, Applicant filed a motion for the court to grant his motion for reconsideration and motion for leave to correct the record, observing the Court does not have jurisdiction of the case, and thus its October 3rd order is not executable. On January 8, 2025, the Special Panel dismissed Applicant's motion as moot, noted that it had resolved the matter with its previous order, noted there were no pending motions on the district court docket, and ordered Applicant file a brief by February 10, 2025.

On February 3, 2025, Applicant moved for a 90-day extension of time to "file a brief or any motion [he] wished to file." The extension was granted until May 13, 2025. On May 12, 2025, Appellant filed a petition for rehearing en banc on the Court's January 8th order that explained extensively how his filed motions were considered pending, and how the Panel's decision to continue appellate proceedings was contrary to Fed. R. App. P. 10 (e)(1), D.C.

Circuit Court Handbook of Practice and Internal Procedures 21 (2024), Fed. R. App. P. 4, Supreme Court and D.C. Circuit Court of Appeals rulings on Rule 59 (e) motions, and 28 U.S.C. § 1291, all of which resolved the District Court has jurisdiction of the matter, and that the Court of Appeals must send the case back to the district court. *See App. I* at 6-13 and n. 5, 7.

On July 17, 2025, the en banc Court ordered Applicant's motion for reconsideration denied, reasoning, "Appellant has not demonstrated that reconsideration is warranted. Appellant may include arguments concerning this court's jurisdiction or the accuracy of the district court record in his brief." On August 1, 2025, Applicant filed a motion for clarification, requesting clarification on how he had not demonstrated that reconsideration is warranted, and requesting the Court provide clarification of its order via case law, statute, court rules etc. *See App. J*.

Applicant concluded by stating the following:

"In short, please clarify how, based on the arguments that I present, that I have not demonstrated that statute (28 U.S.C. 1291), the Court's Rules, and the D.C. Circuit Handbook of Practice and Procedures, and relevant case law requires I *must* be given leave of court to correct the record at the District Court before I submit a brief to this Court." *Id.* at 6-7.

On November 26, 2025, before the en banc Court ruled on Applicant's motion for clarification, the Special Panel *sua sponte* motioned to dismiss the case, pursuant to D.C. Cir. Rule 38 for repetitious submissions and for not submitting a brief. *See App. A*. On December 12, 2025, the Special Panel denied Applicant's motion for extension, and ordered Applicant file a motion for rehearing by December 26, 2025. *See App. D*. On December 29, 2025, Applicant filed a motion for stay of proceedings pending filing and disposition of a writ of mandamus with the Supreme Court, and a motion for rehearing en banc on the Special Panel's November 26th order. *See App. L* and M. Therein Applicant requested until January 19th, 2026 to file a petition for writ of mandamus with the Supreme Court and asserted that the Special Panel did not have the authority to issue the order because it did not have subject matter jurisdiction over the case,

the district court does; thus, its dismissal order was void *ab initio*⁴, and so the Court should return this matter to the District Court for further proceedings.

REASONS FOR GRANTING THE WRIT

What Applicant must show to justify granting the writ—and the conditions for issuance of the writ—is articulated in Supreme Court Rule 20, *Cheney v. United States Dist. Court for D.C.*, 542 US 367, 380-81 U.S. (2004), and other Supreme Court rulings.

To justify granting the writ, the petition must show “that the writ will be in aid of the Court’s appellate jurisdiction, that exceptional circumstances warrant the exercise of the Court’s discretionary powers, and that adequate relief cannot be obtained in any other form or from any other court.” S. Ct. R. 20.1. It shall set out with particularity why the relief sought is not available in any other court.” *Id.* at 20.3.

The conditions for granting the writ are (1) “the party seeking issuance...[must] have no other means to attain the relief he desires,” (2) the right to issuance must be “clear and indisputable,” (3) “the issuing court...must be satisfied that the writ is appropriate under the circumstances.” *Cheney*, 542 U.S. at 381(citations omitted).

This matter meets the criteria for granting the writ. Applicant articulates this *infra* as follows.

I. THE WRIT WILL BE IN AID OF THE COURT’S APPELLATE JURISDICTION

⁴ Applicant cited the 10th Circuit Court’s discussion of what makes an order void. *See* footnote #8.

28 U.S.C. § 1651 (a) codifies the use of the writ of mandamus.⁵ The traditional use of the writ to aid in appellate jurisdiction both in common law and in the federal courts has been “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.” Roche v. Evaporated Milk Assn., 319 US 21, 26 (1943)(citations omitted).

Such is the case here. The writ will confine the D.C. Circuit Court of Appeals to a lawful exercise of its prescribed jurisdiction. The D.C. Circuit Court of Appeals only has jurisdiction of cases where final judgment has been issued in the District Court. 28 U.S.C. § 1291. The D.C. Circuit’s dismissal of this case—upon motion and order by a Special Panel—is occurring where no final judgment has been issued in the District Court. There has been no final judgment because the District Court has not ruled on all of Applicant’s Rule 59 (e) motions. A properly filed Rule 59 (e) motion suspends the finality of the judgment,⁶ and in this matter there is at least one, and possibly two, properly filed Rule 59 (e) motions that have not been ruled on by the District Court.⁷ Thus, per appellate court rules, Applicant’s notices of appeal are not effective, and without an effective notice of appeal, the D.C. Circuit Court of Appeals does not have jurisdiction. Fed. R. App. P. 4 (a)(4)(B)(i). Currently, a Special Panel of the D.C. Circuit Court

⁵ 28 U.S.C. 1651 (a) reads: “The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.”

⁶ *Banister v. Davis*, 140 S. Ct. 1698, 1700 (2020)(“A timely filed [Rule 59(e)] motion suspends the finality of the original judgment for the purposes of appeal, and only the district court’s disposition of the motion restores finality and starts the 30-day appeal clock”).

⁷ Applicant’s February 12th and the June 3rd motions to alter or amend judgment were filed within 28 days of the district court’s January 16th and May 6th judgments, and thus meet the time requirement of Fed. R. Civ. P. 59 (e).

has ordered the case dismissed for failure to prosecute, pursuant to D.C. Cir. Rule 38. However, the D.C. Circuit cannot order a case dismissed that it does not have jurisdiction over; thus, its Special Panel's order is void and was void *ab initio*.⁸

The writ, which will direct the D.C. Circuit Court to send the case back to the District Court, will confine the circuit court to a lawful exercise of its prescribed jurisdiction by preventing the unlawful dismissal that effectively usurped power from the District Court to decide the case.

Simultaneously, the writ will compel the D.C. Circuit Court to "exercise its authority when it is its duty to do so." The D.C. Circuit Court has a duty pursuant to its rules and internal procedures to send the case back to the District Court for further proceedings. Fed. App. Rule 4 (a)(4)(B)(i) makes clear that my notices of appeal are not effective until the district court rules on the last remaining Rule 59 (e) motion. Its internal procedures mandate that all differences in the case record must first be resolved by the District Court. D.C. Circuit Handbook of Internal Practices and Procedures 21 (2005)("In the event of a dispute, this Court has the power to require

⁸An order issued by a Court that is a plain usurpation of power, inconsistent with due process of law, or that lacks subject-matter jurisdiction is void. See *Combs v. Nick Garin Trucking*, 825 F.2d 437, 441 n.35 (D.C. Cir. 1987), citing at n. 35 *VTA, Inc v Airco, Inc, supra* note 31, 597 F. 2d at 224-225, (10th Cir. 1979) ("...voidness usually arises from lack of subject matter jurisdiction or jurisdiction over the parties. It may also arise if the court's action involves a plain usurpation of power or if the court has acted in manner inconsistent with due process of law.") The Special Panel's order is void for two reasons. First, its intervention was a usurpation of power from the en banc court and inconsistent with the due process prescribed for my motion for en banc reconsideration, which included my motion for clarification. Once a motion for reconsideration of the Special Panel's decision is made, the Special Panel has no further role in the process. See D.C. Circuit Court Handbook of Internal Rules and Practices 32 (2025) at App. O ("If a party disagrees with the special panel's disposition of a non-dispositive motion, it may move for reconsideration by the same panel or by the full Court."). Second, being that the D.C. Circuit Court of Appeals did not have subject matter jurisdiction, the Special Panel did not have jurisdiction to dismiss a case for failure to prosecute that the D.C. Circuit Court of Appeals did not have subject-matter jurisdiction over.

that the record be corrected or amplified, but disputes about the accuracy of the record must first be submitted to the district court.”). See App. O. With a non-effective notice of appeal and differences in case record that need to be resolved, the D.C. Circuit has a duty to exercise its authority to send the case back to the District Court for further proceedings. The D. C. Circuit Court should not hold on to and dismiss a case that is not in its jurisdiction. The writ will compel the D.C. Circuit court to exercise its authority to send the case back when it is its clear duty to do so.

Thus, the writ should issue because it accomplishes the traditional objectives of the writ: it confines the D.C. Circuit to a lawful exercise of its jurisdiction by preventing a usurpation of power from the district court *and* compels it to exercise its authority to return the case back to the district court when it is its clear duty to do so.

II. EXCEPTIONAL CIRCUMSTANCES WARRANT THE USE OF THE COURT’S POWER

“Only exceptional circumstances amounting to a judicial usurpation of power or a clear abuse of discretion will justify the invocation of this extraordinary remedy.” *Cheney*, 542 U.S. at 380-81. This case presents such an instance. The D.C. Circuit Court, via the Special Panel’s motion and dismissal of the case, usurps power from the District Court from deciding a case that is in its jurisdiction. The District Court erred in sending the case to the D.C. Circuit Court, which it did because the Clerk failed to add all of Applicant’s Rule 59 (e) motions to the docket, as required. See Fed. R. Civ. P. 79(a)(2) at App. N. This case belongs in the District Court, not dismissed by a Special Panel that did not have the authority to dismiss the case, and whose dismissal order was void *ab initio*. Applicant made the D. C. Circuit Court was made aware of its usurpation, see App. I at 13, but the Court continued with it anyway. Halting its usurpation

justifies the invocation of the writ as an extraordinary remedy for these exceptional circumstances.

III. ADEQUATE RELIEF CANNOT BE OBTAINED IN ANY OTHER COURT

Applicant seeks the relief of his case being sent from the D.C. Circuit Court back to the district court for further proceedings in the form of rulings on his Rule 59 (e) motions and other filings, and for correction of the case record. Applicant motioned and petitioned the D.C. Circuit repeatedly and extensively for this relief, but was denied. With the D.C. Circuit Court's denial and pending dismissal, adequate relief cannot be obtained in any other court but this Court because, with the D.C. Circuit Court of Appeals being the highest federal court in the District of Columbia, there is no other court above it other than this Court. Thus, this Court is the only court that can issue the writ to the lower court that will bring the relief requested.

IV. THE PARTY SEEKING THE WRIT MUST HAVE NO OTHER ADEQUATE MEANS TO ATTAIN THE RELIEF HE DESIRES

This condition for issuing the writ is essentially the same as the third justification requirement articulated in S. Ct. Rule 20. Hence, Applicant refers the Court to his answer *supra* at III.

V. THE PARTIES RIGHT TO THE ISSUANCE OF THE WRIT IS CLEAR AND INDISPUTABLE

Applicant's right to the issuance of the writ is clear and indisputable. Appellant has three Rule 59 (e) motions that were filed in the District Court that were never ruled upon. Federal Appellate Rule 4 (a)(4)(B)(i) states that my notices of appeal are not effective until the last remaining Rule 59 (e) motion has been ruled on. Thus, the D.C. Circuit Court does not have jurisdiction over this matter. It is unlawful for the Court to dismiss a case that it does not have

jurisdiction over. Further, Applicant has a Fifth Amendment right to procedural due process on his complaint filed in the District Court. In this instance, that means the right to due process on my properly filed Rule 59 (e) motions. It also means a case record that completely discloses what occurred in the District Court. Thus, Applicant's right to issuance of the writ directing the D.C. Circuit Court to send the case back to the District Court for further proceedings is clear and indisputable.

V. THE WRIT IS APPROPRIATE UNDER THE CIRCUMSTANCES

Applicant has a Fifth Amendment right to due process on his complaint. Rulings on my Rule 59 (e) motions *before* any appellate proceedings, and a case record that reflects what occurred in the District Court are essential for due process to occur in this case. The D.C. Circuit Court of Appeals has refused my attempts at these objectives, and in so doing, usurped power from the District Court and violated my Fifth Amendment right to procedural due process. Legally, the D.C. Circuit Court cannot dismiss this case for failure to prosecute when it does not have subject matter jurisdiction over it, nor can it legally retain the case on its docket, but it continues to do both. Thus, the writ is appropriate under the circumstances.

CONCLUSION

The petition for a writ of mandamus should be granted.

Respectfully submitted,

Deon D. Colvin

Date: January 19th, 2026

APPENDIX A