

NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES
October Term, 2025

DIEGO CASTILLO-PEDRAZA,

Petitioner,
v.

UNITED STATES OF AMERICA,

Respondent.

**On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Third Circuit**

**PETITION FOR WRIT OF CERTIORARI
WITH APPENDIX**

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QUESTION PRESENTED

1. Was the Third Circuit decision to affirm the District Court's 404(b) Ruling and sentencing correct?

PARTIES TO THE PROCEEDING

The petitioner is:

Diego Castillo-Pedraza

The respondent is:

United States of America

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OPINIONS BELOW

The United States Court of Appeals for the Third Circuit affirmed Petitioner Diego Castillo-Pedraza's Judgement of Conviction.

STATEMENT OF JURISDICTION

Diego Castillo-Pedraza seeks review of the January 12, 2026, Order of the United States Court of Appeals for the Third Circuit. Jurisdiction of this Court to review the judgement of the Third Circuit is invoked under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fifth Amendment of the United States Constitution, provides that:

“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 offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, 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.

STATEMENT OF THE CASE

Procedural History

On April 19, 2023, a grand jury in the Eastern District of Pennsylvania returned an indictment of Diego Castillo-Pedraza, charging him with one count of possession with intent to distribute 500 grams or more of a mixture and substance containing a detectable amount of methamphetamine, and aiding and abetting, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A) and 18 U.S.C. § 2. Prior to trial, the government filed a Motion in Limine to admit certain evidence as intrinsic to the offense conduct or, in the alternative, pursuant to Federal Rule of Evidence 404(b). This motion was granted. Castillo-Pedraza proceeded to trial, and on September 19, 2024, following a three-day trial, the jury found Mr. Castillo-Pedraza guilty.

On January 7, 2025, the district court imposed a sentence of 240 months imprisonment, a term of supervised release of five years, and a special assessment of \$100. Mr. Castillo-Pedraza filed a timely appeal.

REASONS FOR GRANTING THE WRIT

Mr. Castillo-Pedraza asserts that the district court abused its discretion in granting the government's motion in limine to admit evidence as intrinsic or pursuant to Rule 404(b).

Intrinsic evidence is not subject to Rule 404(b) analysis. Courts exempt intrinsic evidence from the application of Rule 404(b) on the theory that there is no other wrongful conduct at issue and the evidence is admissible as part and parcel of the charged offense. The "intrinsic" label is reserved for two narrow categories of evidence: first, evidence that directly proves the charged offense and, second, uncharged acts performed contemporaneously with the charged crime may be termed intrinsic if they facilitate the commission of the charged crime. *United States v. Green*, 617 F.3d 233, 245 (3rd Cir. 2010). Here, neither category applied and the evidence is not intrinsic to the crime charged.

Secondly, the Third Circuit erred in ruling that the evidence is admissible pursuant to Rule 404(b). Rule 404(b) prohibits evidence of "a crime, wrong, or other act" used "to prove a person's character in order to show that on a particular occasion the person acted in accordance with the character". However, such evidence may be admissible for another purpose.

Accordingly, Rule 404(b) allows evidence that is (1) offered for a proper non-propensity purpose that is at issue in the case; (2) relevant to that identifiable

purpose; (3) sufficiently probative under Rule 403 such that the probative value is not outweighed by any inherent danger of unfair prejudice and accompanied by a limiting instruction, if requested. *United States v. Caldwell*, 760 F.3d 267, 277-78 (3rd Cir. 2014). Here the district court's reasoning for admitting the evidence was inadequate and was unduly prejudicial.

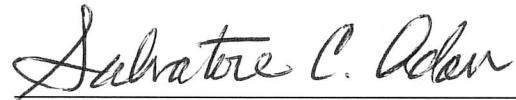
Additionally, the district court erred by including the 2019 shipment in the offense level calculation. This 2019 shipment is not relevant conduct under U.S.S.G. § 1B1.3 since it did not constitute a common scheme or plan. *United States v. Boone*, 279 F.3d 163, 178 (3rd Cir. 2002). There was a 20-month lapse between the 2019 shipment and the 2021 seizure. For 12 months of this period Mr. Castillo-Pedraza was incarcerated. It clearly is established that there was no common scheme or plan.

In the alternative, the Government failed to prove Castillo-Pedraza's involvement in the 2019 shipment by the preponderance of the evidence. The evidence submitted lacked credibility and therefore the Government failed to meet its burden.

Lastly, defendant's 240-month sentence was both procedurally and substantively unreasonable. Here, the district court failed to give Mr. Castillo-Pedraza's mitigating factors proper value and his sentence was both procedurally and substantively unreasonable.

CONCLUSION

For these reasons stated in this petition, Mr. Castillo-Pedraza respectfully requests that a writ of certiorari be issued to review the decision below.



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Dated: January 21, 2026