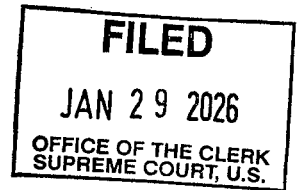


ORIGINAL

No. \_\_\_\_\_

25-6800



IN THE

SUPREME COURT OF THE UNITED STATES

\_\_\_\_\_  
In Re FELIX VERDEJO-SANCHEZ — PETITIONER  
(Your Name)

ON PETITION FOR A WRIT OF MANDAMUS

United States Court of Appeals for the First Circuit

\_\_\_\_\_  
(NAME OF THE COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF MANDAMUS

Felix Verdejo-Sanchez

(Your Name)

USP Pollock, PO Box 2099

(Address)

Pollock, LA 71467

(City, State, Zip Code)

N/A

(Phone Number)

## QUESTION(S) PRESENTED

1. Whether a federal court of appeals may continue adjudicating the merits of a criminal appeal without first verifying, sua sponte, the existence of subject-matter jurisdiction, when the record demonstrates clear and convincing evidence of a jurisdictional defect.

2. Whether a court of appeals abdicates its constitutional and mandatory duty when it refuses to entertain or independently examine a jurisdictional challenge, despite settled precedent that subject-matter jurisdiction may be raised at any stage of the proceedings.

3. Whether the federal government may, by motion, interfere with or restrict a court of appeals' independent obligation to determine jurisdiction, contrary to binding Supreme Court precedent.

4. Whether the federal prosecution of a crime occurring wholly within Puerto Rico, without affecting interstate or foereign commerce, constitutes an usurpation of prosecutorial authority reserved to the Commonwealth of Puerto Rico under the second paragraph of 18 U.S.C. 3231 and the constitutional framework established from 1952 onward.

5. Whether a writ of mandamus is the only adequate and appropriate remedy when both the district court and the court of appeals refuse to verify subject-matter jurisdiction, thereby creating a structural constitutional error that violates due process.

## 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:

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## OTHER

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/B 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 02/24/2025.

☐ 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. § 1651(a)

☐ 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

U.S. Const. Amend. V.

"... nor be deprived of life,  
liberty or property, without due  
process of law..."

U.S. Const. Amend. VI.

"... to have the assistance of  
Counsel for his defense."

U.S. Const. Amend. XIV.

"... No State shall make or enforce any  
law which shall abridge the privileges  
or immunities of citizens of the United  
States; nor shall any State deprive any  
person of life, liberty, or property,  
without due process of law; nor deny to  
any person within its jurisdiction the  
equal protection of the laws."

Statutory Involved

28 U.S.C. §1651(a)

"The Supreme Court and all courts  
established by Act of Congress may  
issue all writs necessary or appro-  
priate in aid of their respective  
jurisdictions and agreeable to the  
usages and principles of law."

18 U.S.C. §3231

"The district courts of the United  
States shall have original juris-  
diction, exclusive of the States,  
of all offenses against the laws  
of the United States.

Nothing in this title shall  
be held to take away or impair the  
jurisdiction of the Courts of the  
several States under the laws thereof."

18 U.S.C. §2119(2) & (3)

"Whoever, with the intent to cause death or serious  
bodily harm[, ] takes a motor vehicle that has been  
transported, shipped, or received in interstate or  
foreign commerce from the person or presence of an-  
other by force and violence or by intimidation, or



attempts to do so, shall-

(1) be fined under this title or imprisoned not more than 15 years, or both,

(2) if serious bodily injury (as defined in section 1365 of this title [18 USCS § 1365], including any conduct that, if the conduct occurred in special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242 of this title [18 USCS § 2241 or 2242]) results, be fined under this title or imprisoned not more than 25 years, or both, and

(3) if death results, be fined under this title or imprisoned for any number of years up to life, or both, or sentenced to death."

18 U.S.C. §924(c)(1)(A)

"(c)(1)(A) Except to the extent that a greater minimum sentence is otherwise provided by this subsection or by any other provision of law, any person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime that provides for an enhanced punishment if committed by use of a deadly or dangerous weapon or device) for which the person may be prosecuted in a court of the United States, uses or carries a firearm, or who, in furtherance of any such crime, possesses a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime-

(i) be sentenced to a term of imprisonment of not less than 5 years;"

18 U.S.C. §1201(a)(1) & (2)

"(a) Whoever unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away and holds for ransom or reward or otherwise any person, except in the case of a minor by the parent thereof, when-

(1) the person is willfully transported in interstate or foreign commerce, regardless of whether the person was alive when transported across a State boundary, or the offender travels in interstate or foreign commerce or uses the mail or any means, facility, or instrumentality of interstate or foreign commerce in committing or in furtherance of the commission of the offense;

(2) any such act against the person is done within the special maritime and territorial jurisdiction of the United States;"

18 U.S.C. §1841(a)(1) & (2)

"(a)(1) Whoever engages in conduct that violates any of

the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365 [18 USCS § 1365]) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

(2)(A) Except as otherwise provided in this paragraph the punishment for that separate offense is the same as the punishment provided under Federal law for that conduct had that injury or death occurred to the unborn child's mother."

18 U.S.C. §7(1)

"(1) The high seas, any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, and any vessel belonging in whole or in part to the United States or any citizen thereof, or to any corporation created by or under the laws of the United States, or of any State, Territory, District, or possession thereof, when such vessel is within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State."

## STATEMENT OF THE CASE

On May 2, 2021, the Petitioner was indicted by a federal grand jury charging him for violation of 18 U.S.C. §2119(2) & (3); Id. §1201(a)(1) & (2); Id. §924(c)(1)(A); Id. §1841 and 2.

On May 6, 2021, he was arrested.

On May 11, 2021, he had initial appearance.

On June 20, 2023, the trial commenced.

On July 28, 2023, the jury's verdict was (1) violation of 18 U.S.C. §2119 (2) & (3) Not Guilty; (2) violation of Id. §924(c)(1)(A) Not Guilty; (3) violation of Id. §1201(a)(1) & (2) Guilty; (4) violation of Id. §1841 and 2 Guilty.

On November 3, 2023, Petitioner was sentenced to two life sentences.

During the prosecution and all the way through sentencing, the Petitioner did not have knowledge that his case should have been judged by a Commonwealth of Puerto Rico's Court and that his Constitutional Right to Due Process had been violated. Now that he has the knowledge, he is claiming his Constitutional Right to Due Process. Therefore, he prays this Honorable Court to judge pursuant to the U.S. Constitution.

Once the Petitioner knew that his case has a lack of subject-matter jurisdiction he moved to ask his counsel to claim this a lack of subject-matter jurisdiction but his counsel refused to do it, in violation of U.S. Const. Amend. VI. That guarantees to an accused to have effective assistance of counsel for his defense. So, the Petitioner moved pro se on 01/27/2025, filing a Motion to Stay the Brief Schedule in order for the Court to review the issue of lack of subject-matter jurisdiction. But, on 02/24/2025 the Court denied both motions without prejudice and ordered that such motions should be done through his counsel but he once more refused to do it, affirming:

"The Federal Government can take jurisdiction in all local crime based on Supreme Court's decision in Puerto Rico v. Sanchez-Valle, 579 U.S. 59, 71 (2016)."

The Petitioner rejected that argument due to the fact that the case was decided by this Court for double jeopardy and not for lack of subject-matter jurisdiction. Because of that on 03/24/2025, the Petitioner moved a second time filing again the first two motions and filed a Motion for Removal of Defense Counsel and Motion to Invoke Court's Supervisory Power. But the First Circuit Court of Appeals denied everything including this responsibility. See Appendix D & E.

On 03/25/2025, the defense counsel filed a Motion to Withdraw Counsel. On the same day U.S. Attorneys filed Motion to Notice of Appearance. On 04/03/2025, U.S. Attorneys filed Motion to stay response schedule and to extend time to file a response filed by Appelle U.S.A. See Appendix F2.

On 04/09/2025 the Court ordered the Government to respond. On 04/10/2025 the Government filed a Motion to strike pleading. See Appendix F1. Weeks after the Petitioner, while waiting response to his claim of lack of subject-matter jurisdiction, on 04/22/2025, received a Court's order where it denies all motions without prejudice including Government's motions which were declared moot. See "Appendix" A/B.

The Petitioner was accused pursuant to 18 U.S.C. §2119(3) and (2); Id. 18 U.S.C. §924(c)(1)(A)(i); Id. 18 U.S.C. §1201(a)(1) and (2); Id. 18 U.S.C. §1841 and 2. Which, in this case, are inapplicable because they fail to state facts that constitute an offense under United States' laws and there is no interstate or foreign commerce nexus, neither did it occur in the special maritime and territorial jurisdiction of the United States as defined in 18 U.S.C. §7(1).

This case arises from a federal criminal prosecution initiated against the Petitioner for conduct that occurred entirely within the territorial boundaries of Puerto Rico, involving no allegation, proof, or findings of any effect on interstate or foreign commerce.

At no stage of the proceedings did the federal district court verify, sua sponte, the existence of subject-matter jurisdiction, despite the constitutional mandate that federal jurisdiction may never be presumed and must exist as a prerequisite to the lawful exercise of judicial power under Article III of the Constitution.

On appeal, the Petitioner expressly challenged the existence of Federal subject-matter jurisdiction. The court of appeals acknowledged that such a defect may be raised for the first time on appeal, consistent with longstanding precedent. See *United States v. DiSanto*, 86 F. 3d 1238, 1244 (1st Cir. 1996). The court initially ordered the government to respond to the jurisdictional issue. See Court of Appeals ordering the government to respond on 04/09/2025.

Rather than address the jurisdictional defect, the government urged the Court of Appeals to refuse consideration of the issue solely because the Petitioner was represented by counsel. The Court thereafter declined to adjudicate the jurisdictional challenge and her continued to proceed toward resolution of the appeal on the merits. See "Appendix" F1 and F2.

Over one year has elapsed since the jurisdictional defect was squarely presented. The court of appeals has neither ruled on jurisdiction nor fulfilled its independent duty to verify it. See "Appendix" C, D, and E.

This Court has jurisdiction to issue this extraordinary writs pursuant to 28 U.S.C. §1651(a), the All Writs Act, which authorizes the Supreme Court to issue writs "necessary or appropriate in aid of its jurisdiction" and to restrain clear usurpations of judicial power.

A writ of mandamus is warranted where:

- (1) the petitioner's right to relief is clear and indisputable;
- (2) there is not other adequate remedy; and
- (3) the writ is necessary to confine an inferior court to the lawful exercise of its jurisdiction.

This case satisfies all three requirements. *Cheney v. United States*, 542 U.S. 367 (2004); and *Allied Chemical Corp. v. Daiflon, Inc.*, 449 U.S. 33 (1980).

## REASONS FOR GRANTING THE PETITION

The Petitioner respectfully submits that the record in this case contains clear, direct, and convincing evidence demonstrating that his prosecution and conviction occurred in the complete absence of federal subject-matter jurisdiction. The Petitioner has substantiated, through undisputed documents and the official record, that his case presents truly exceptional circumstances characterized by a judicial usurpation of power. Such a jurisdictional defect is structural, non-waivable, and renders all subsequent actions by the district court void ab initio.

This petition warrants this Court's intervention because it presents an exceptionally serious and ongoing constitutional violation -- one that has resulted in the Petitioner's imprisonment for over three years without any evidence of valid federal subject-matter jurisdiction. From the outset of the criminal proceedings, the federal government has never demonstrated -- and cannot demonstrate -- the existence of subject-matter jurisdiction, an indispensable prerequisite for a federal court to exercise authority in a criminal case. Despite this fundamental defect, both the district court and the court of appeals have repeatedly failed to fulfill their constitutional duty to verify jurisdiction sua sponte, even when the absence of jurisdiction has been clearly raised and remains undisputed.

The government and the courts' actions violated 18 U.S.C. §3231, which safeguards the proper allocation of jurisdiction between federal and state authorities. By unlawfully asserting federal authority, both the government and the courts stripped the Commonwealth of Puerto Rico of its rightful juris-

diction, usurping the sovereign prosecutorial power of the local government, and its judicial power, presented a purely local offense to a federal grand jury, the federal district court, and the court of appeals under false pretenses. Through their misconduct and bad faith, the government and the courts have tainted the integrity of the judicial process, and deprived the Petitioner of due process of law and the protections guaranteed by the Constitution's Amendment V and XIV.

Despite having direct notice of the alleged lack of jurisdiction, the court of appeals failed to conduct the mandatory examination disregarding its obligation to ensure that a federal conviction does not stand without legal foundation. The court's inaction has allowed the Petitioner to remain unlawfully incarcerated for more than three years -- an extraordinary abuse of judicial authority and an irreparable harm that only this Court can remedy.

Under these exceptional circumstances, a federal conviction sustained without jurisdiction, a procedural history marked by governmental omissions, legal contradictions, and the court of appeals' refusal to carry out its constitutional duty -- the extraordinary remedy of mandamus is not only appropriate but necessary. This court must intervene to restore the rule of law, correct a structural judicial error, and prevent the continuation of an injustice that undermines the integrity of the federal judicial system, protect federalism and prevent further erosion of public trust in the administration of justice.

I. Subject-Matter Jurisdiction is a  
Mandatory, Non-Discretionary Judicial Duty

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This Court has repeatedly and unequivocally held that subject-matter juris-



diction:

- Can never be forfeited or waived,
- Must be examined sua sponte, and
- Limits the very power of the court to act.

"Subject-matter jurisdiction can never be forfeited or waived." United States v. Cotton, 535 U.S. 625, 630 (2002).

" Every federal appellate Court has a special obligation to satisfy itself not only of its own jurisdiction, but also that of the lower courts." Bender v. Williamsport Area Sch. Dist., 475 U.S. 534, 541 (1986).

By refusing to determine whether jurisdiction exists before reaching the merits, the court of Appeals has acted beyond its lawful authority, committing a structural constitutional error.

## II. The Federal Prosecution Constitutes a Usurpation of Local Prosecutorial Authority

Congress has made unmistakably clear that Federal criminal jurisdiction does not displace state - or territorial - authority over purely local crimes. See 18 U.S.C. §3231.

"Nothing in this title shall be held to take away or impair the jurisdiction of the court of the several States under the law thereof."

Since 1952, Puerto Rico has exercised autonomous authority over criminal matters occurring wholly within its territory. See United States v. Figueroa-Rios, 140 F. Supp. 376 (D.P.R. 1956); Liquilux Gas Services of Ponce, Inc., v. Tropical Gas Co., Inc., 303 F. Supp. 414; 1969; United States v. Mercado-Flores, 312 F. Supp. 3d 249 (D.P.R. 2015).

Absent an interstate commerce nexus, federal prosecution here represents a clear usurpation of prosecutorial power reserved to the Commonwealth of Puerto Rico.

### III. Proceeding Without Jurisdiction Creates a Structural Error and Irreparable Harm

A judgement entered without jurisdiction is void, not merely erroneous.

"A court without jurisdiction has no authority to adjudicate." See Mitchell v. Maurer, 293 U.S. 237, 244 (1934).

This defect violates the Fifth and Fourteenth Amendment Due Process Clause, undermining equal protection, and contaminates the entire proceeding. Such an error is structural, not subject to harmless or plain error analysis.

### IV. Mandamus is the Only Adequate and Appropriate Remedy

No ordinary appellate remedy exists where the court of Appeals itself refuses to comply with its jurisdictional duty.

"Mandamus is appropriate to confine a court to a lawful exercise of its prescribed jurisdiction." See Cheney, 542 U.S. 380.

The continued refusal to act constitutes an abuse of judicial power and leaves the Petitioner without any other effective means of relief.

### V. The Public Interest and Institutional Integrity Require Intervention

Allowing Federal courts to disregard jurisdictional limits:

- Erodes federalism,
- Destroys the balance between sovereigns, and
- Undermines public confidence in the judiciary.

This court recently reaffirmed that statutory and constitutional commands are not discretionary. See *Michael Bowe v. United States*, No. 24-5438 (Jan 9, 2026).

The same principle applies here.

Finally, under an exhaustive investigation, Petitioner concluded that both District and Appellate Federal Courts agree that granting a writ of Mandamus have to be in cases of extraordinary circumstances such as:

- 1) Only exceptional circumstances amounting to a judicial usurpation of power;
- 2) A clear discretionary abuse when a Court does not comply with its constitutional duty ordered by Congress;
- 3) When the appropriate remedy for compelling performance of a duty allegedly imposed by law.

In this case the Court of Appeal for the First Circuit erroneously continues proceeding on the merits when the Petitioner has shown with clear and convincing evidence in the record that the Federal District Court acted ab initio with lack of subject-matter jurisdiction. And the Court of Appeals having the compelling constitutional responsibility and reaffirmed by precedent cases of this Court fatally refuses to comply with it. Moreover, this Court under FW/PBS, Inc. v. Dallas, 493 U.S. 215, 231 (1990) held as follows:

"Neither the District Court nor the Court of Appeals determined whether petitioners had standing to challenge any particular provision of the ordinance. Although neither side raises the issue here, we are required to address the issue even if the courts below have not passed on it, see Jenkins v. McKeithen, 395 U.S. 411, 421 (1969), and even if the parties fail to raise the issue before us. The federal courts are under an

independent obligation to examine their own jurisdiction, and standing "is perhaps the most important of [the jurisdictional] doctrines."

Allen v. Wright, 468 U.S. 737, 750 (1984).

"[E]very federal appellate court has a special obligation to 'satisfy itself not only of its own jurisdiction, but also that of the lower courts in a cause under review, ' even though the parties are prepared to concede in it. Mitchell v. Maurer, 293 U.S. 237, 244 (1934). See Judice v. Vail, 430 U.S. 327, 331-32 (1977) (standing). And if the record discloses that the lower court was without jurisdiction this court will notice the defect, although the parties make no contention concerning it.'" Bender v. Williamsport Area School Dist., 475 U.S. 534, 541 (1986).

It is a long-settled principle that standing cannot be "inferred argumentatively from averments in the pleadings," Grace v. American Central Ins. Co., 109 U.S. 278, 284 (1883), but rather "must affirmatively appear in the record." Mansfield C. & L. M. R. Co. v. Swan, 111 U.S. 379, 382 (1884). See King Bridge Co. v. Otoe County, 120 U.S. 225, 226 (1887) (facts supporting Article III jurisdiction must 'appea[r] affirmatively in the record.'). And it is the burden of the party who seeks the exercise of jurisdiction in his favor, McNutt v. General Motors Acceptance Corp., 298 U.S. 178 189 (1936), "clearly to allege facts demonstrating that he is a proper party to invoke jurisdictional resolution of the dispute." Warth v. Seldin, 422 U.S. 490, 518 (1975). Thus, petitioners in this case must "allege... facts essential to show jurisdiction. If [they] fai[l] to make the necessary allegations, [they have] no standing." McNutt, supra at 189."

Such actions and delays non-complying with its duty, clearly affects Petitioner's constitutional rights to due process of law and equal protection under law granted by the Const. Amend. V & XIV. See Arbaugh v. Y&H Corp., 540 U.S. 500 (2006); Royal Siam Corp. v. Chertoff, 484 F. 3d 139, 143 (1st Cir. 2007); Henderson v. Shinseki, 562 U.S. 428 (2011); Steel Co. v. Citizens, 523 U.S. 83.

The Court of Appeals for the First Circuit is prohibiting the Petitioner from having a speedy trial (guarantee of Const. Amend. VI) before his legitimate jurisdiction of the Commonwealth of Puerto Rico. See generally In re Justices of Superior Court Dep't Massachusetts Trial Court, 218 F. 3d 11, 15 (1st Cir. 2000). And this Court under Ex parte Fakey, 382 U.S. 258, 259-260, 67 S. Ct. 1558, 91 L. Ed. 2041 (1947) held:

"This Court undoubtedly has power to protect its appellate jurisdiction by the issuance of such a writ, as is asked for as an incident to the pending appeal. See Adams v. United States, 317 US 269, 272-274, 87 L. Ed. 268, 271, 272, 62 S. Ct. 236, 143 ALR 435; Roche v. Evaporated Milk Asso., 319 US 21, 24-26, 87 L. Ed. 1185, 1189, 1190, 63 S. Ct. 938; Ex parte United States, 319 US 730, 87 L. Ed. 1693, 63 S. Ct. 1322; Ex parte Peru, 318 US 578, 582-585, 87 L. Ed. 1014, 1017-1019, 63 S. Ct. 793; Re National Labor Relations Bd., 304 US 486, 82 L. Ed. 1482, 58 S. Ct. 1001."

RELIEF REQUESTED

The Petitioner respectfully requests that this Court:

1. Issue a writ of Mandamus directing the United States Court of Appeals for the First Circuit to: Vacate the judgement for lack of federal jurisdiction and order the case returned to the state courts of the Commonwealth of Puerto Rico, the proper sovereign authority over local matters;
2. Alternatively, Fulfill its mandatory duty to determine, sua sponte, whether subject-matter jurisdiction exists; or Permit and adjudicate the Petitioner's jurisdictional challenge.

CONCLUSION

This case is not about guilt or innocence it is about constitutional boundaries, jurisdictional limits, and obedience to the rule of law.

When lower courts refuse to enforce those limits, this Court is the final guardian of the Constitution.

The petition for a writ of Mandamus should be granted.

Respectfully submitted,

Felix Verdejo Sorduez

Dated: 01/26/26