

APPENDIX A

In The
Supreme Court of the United States

ALEX MARTINEZ — PETITIONER

(Your Name)

vs.

UNITED STATES OF AMERICA, ET AL. — RESPONDENT(S)
ON PETITION FOR A WRIT OF CERTIORARI TO

ORDER

Alex Martinez v. United States Customs and Border Protection, No. 24-5273
United States Court of Appeals for the District of Columbia Circuit
Judgments entered August 19th, 2025 and November 03rd, 2025

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 24-5273

September Term, 2024

1:24-cv-01585-UNA

Filed On: May 29, 2025

Alex Martinez,

Appellant

v.

United States Customs and Border Protection
and Government of Canada,

Appellees

BEFORE: Henderson, Wilkins, and Childs, Circuit Judges

ORDER

Upon consideration of the order to show cause entered March 10, 2025, and the response thereto, it is

ORDERED that the appeal be dismissed as untimely. Appellant's November 19, 2024 notice of appeal of the district court's July 29, 2024 dismissal order was filed beyond the 60-day period established in 28 U.S.C. § 2107(b), and the timely filing of a notice of appeal in a civil case is a jurisdictional requirement. See Bowles v. Russell, 551 U.S. 205, 209 (2007). Appellant contends that this appeal should not be dismissed because he never received a copy of the dismissal order. However, the district court denied his motion under Federal Rule of Appellate Procedure 4(a)(6) to reopen the time to appeal on that ground, and appellant has not appealed that denial.

Moreover, appellant did not submit in district court the evidence that he has submitted on appeal. Consequently, even if this court were to construe appellant's response to the order to show cause as a notice of appeal of the district court's denial of his motion to reopen, see Smith v. Barry, 502 U.S. 244, 247–50 (1992), he would not be able to show that the district court abused its discretion. See Benavides v. Bureau of Prisons, 79 F.3d 1211, 1215 (D.C. Cir. 1996).

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 24-5273

September Term, 2024

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 24-5273

September Term, 2024

1:24-cv-01585-UNA

Filed On: August 19, 2025

Alex Martinez,

Appellant

v.

United States Customs and Border Protection
and Government of Canada,

Appellees

BEFORE: Henderson, Wilkins, and Childs, Circuit Judges

ORDER

Upon consideration of the petition for rehearing, it is

ORDERED that the petition be denied.

Per Curiam

FOR THE COURT:

Clifton B. Cislak, Clerk

BY: /s/

Daniel J. Reidy
Deputy Clerk

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 24-5273

September Term, 2024

1:24-cv-01585-UNA

Filed On: August 27, 2025 [2132352]

Alex Martinez,

Appellant

v.

United States Customs and Border
Protection and Government of Canada,

Appellees

MANDATE

In accordance with the order of May 29, 2025, and pursuant to Federal Rule of Appellate Procedure 41, this constitutes the formal mandate of this court.

FOR THE COURT:

Clifton B. Cislak, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk

[Link to the order filed May 29, 2025](#)

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 24-5273

September Term, 2025

1:24-cv-01585-UNA

Filed On: November 3, 2025

Alex Martinez,

Appellant

v.

United States Customs and Border Protection
and Government of Canada,

Appellees

BEFORE: Henderson, Wilkins, and Childs, Circuit Judges

ORDER

Upon consideration of the petition for writ of prohibition, which the court construes as a motion to recall the mandate, it is

ORDERED that the motion be denied. This court's inherent authority to recall its mandate "can be exercised only in extraordinary circumstances," Calderon v. Thompson, 523 U.S. 538, 550 (1998), and appellant has shown no such circumstances in this case.

The Clerk is directed to accept no further filings from appellant in this closed case.

Per Curiam

FOR THE COURT:

Clifton B. Cislak, Clerk

BY: /s/

Michael C. McGrail
Deputy Clerk

APPENDIX B

In The
Supreme Court of the United States

ALEX MARTINEZ — PETITIONER

(Your Name)

vs.

UNITED STATES OF AMERICA, ET AL. — RESPONDENT(S)
ON PETITION FOR A WRIT OF CERTIORARI TO

MEMORANDUM OF OPINION AND ORDER

Alex Martinez v. United States Customs and Border Protection, No. 24-5273
United States Court of Appeals for the District of Columbia Circuit
Judgments entered August 19th, 2025 and November 03rd, 2025

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ALEX MARTINEZ,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 24-1585 (UNA)
)	
UNITED STATES CUSTOMS AND)	
BORDER PROTECTION, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM OPINION

This matter is before the Court on review of plaintiff’s application to proceed *in forma pauperis* and *pro se* civil complaint. The Court will grant the application and, for the reasons stated below, dismiss the complaint without prejudice.

The Court has reviewed plaintiff’s complaint, keeping in mind that complaints filed by *pro se* litigants are held to less stringent standards than are applied to formal pleadings drafted by lawyers. *See Haines v. Kerner*, 404 U.S. 519, 520 (1972). But even *pro se* litigants must comply with the Federal Rules of Civil Procedure. *Jarrell v. Tisch*, 656 F. Supp. 237, 239 (D.D.C. 1987). Rule 8(a) of the Federal Rules of Civil Procedure requires that a complaint contain a short and plain statement of the grounds upon which the Court’s jurisdiction depends, a short and plain statement of the claim showing that the pleader is entitled to relief, and a demand for judgment for the relief the pleader seeks. FED. R. CIV. P. 8(a). The purpose of the minimum standard of Rule 8 is to give fair notice to the defendant, of the claim being asserted, sufficient to prepare a responsive answer, to prepare an adequate defense and to determine whether the doctrine of *res judicata* applies. *Brown v. Califano*, 75 F.R.D. 497, 498 (D.D.C. 1977).

Plaintiff alleges he submitted an application to NEXUS, presumably referring to a program designed expedite entry into the United States and Canada for pre-screened travelers, which has been “cancelled . . . without cause and justification[.]” Compl. at 4.¹ In connection with the application, it appears, there were “investigations” plaintiff deems “Negligent, Fraudulent, Seditious and caused Assaults, Libel and Slander.” *Id.* He demands an end to “all Investigations, Suppression, Observation and Monitoring from the United States, Canada and Internationally . . . for the Plaintiff, his family and the children,” *id.*, and an award of \$25 million for “[c]osts and punitive damages,” *id.*

Missing are factual allegations describing the alleged investigations, when and why the investigations were or continue to be conducted, how, exactly, the investigations give rise to claims of negligence, fraud, assault, libel and slander, and a basis for such a large punitive damages award. As drafted, the complaint fails to meet the minimal pleading standard set forth in Rule 8, and it will be dismissed. A separate order will issue


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TREVOR N. McFADDEN
United States District Judge

DATE: July 24, 2024

¹ According to plaintiff, he “based [the instant complaint] on the related cases of the United States District Court for the District of Columbia . . . and the United States Court of Appeals for the District of Columbia[.]” Compl. at 4. Plaintiff sued U.S. Customs and Border Protection in 2020, alleging an unreasonable delay in processing his NEXUS applications. *See* Complaint, *Martinez v. U.S. Customs and Border Protection*, No. 20-cv-2726 (D.D.C. filed Sept. 20, 2020) (ECF No. 1). He appealed the district court’s unfavorable ruling, which the D.C. Circuit affirmed, concluding “the district court properly granted summary judgment for Customs and Border Protection because the agency’s decisions to deny appellant’s applications were not arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” *Martinez v. U.S. Customs and Border Protection*, No. 22-5229 (D.C. Cir. Apr. 5, 2023). Plaintiff has not explained the connection between the two cases.

**Additional material
from this filing is
available in the
Clerk's Office.**