

25-7058

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
JAN 13 2026
OFFICE OF THE CLERK
SUPREME COURT U.S.

ORIGINAL

LUIS ORDONEZ-VEGA — PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Luis Ordonez-Vega # 30103-058
(Your Name)

Federal Correctional Institution-Fairton
P.O Box 420
(Address)

Fairton, New Jersey 08320
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

1. Whether the fact an indigent inmate was unable to meet his appeal deadline by being prevented from receiving inmate assistance due to the prison he was confined at being on constant lockdown an extraordinary circumstance to recall mandate where he is both ignorant to the law and the nuances of the English language.

2. Whether the court of appeals' denial of said inmate's Motion to Recall Mandate without an opinion in conflict with applicable decisions of the court when there are special circumstances that exist.

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

- USA v. Luis Ordonez-Vega, No. 3:15-CR-00121-RJC-SCR, U.S. District Court for the Western District of North Carolina (Charlotte Division).
Judgment entered on May 30, 2024 and August 2, 2024.
- United States of America v. Luis Ordonez-Vega, No. 24-6827, U.S. Court of Appeals for the Fourth Circuit. Judgment entered on July 8, 2025 and October 16, 2025.

[Note: Petitioner Ordonez-Vega's state case in the Superior Court of North Carolina, Mecklenburg County, is also related, but he is unaware of the case's number and citation.]

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
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Johnson v. Avery, 393 U.S. 483 (1969)	p. 10-11
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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. & C 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.

1.

JURISDICTION

For cases from federal courts:

The date on which the United States Court of Appeals decided my case was July 8, 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: October 16, 2025, and a copy of the order denying rehearing appears at Appendix D.

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

This Petition requests the Court to exercise its supervisory power pursuant to 28 U.S.C. § 2106, which states, "the Supreme Court...may affirm, modify, vacate, set aside or reverse any judgment, decree, or order of a court lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances.

Petitioner Ordonez-Vega's appeal of the Honorable Conrad, Jr.'s denial of his Motion to Compel was brought pursuant to 28 U.S.C. § 1291, which states, "the courts of appeals...shall have jurisdiction of appeals from all final decisions of the district courts of the United States."

STATEMENT OF THE CASE

The facts necessary to place in their setting the questions now raised can be briefly stated:

I. COURSE OF PROCEEDING IN THE MOTION TO RECALL MANDATE NOW BEFORE THE COURT

This case began in the Superior Court of North Carolina, Mecklenburg County, where there was a video that proved Petitioner Ordonez-Vega acted in self-defense on the night of June 6, 2014 when he encountered Noel Navarro-Hernandez. His state case was dismissed with prejudice. And because he can no longer be prosecuted in the State of North Carolina for the incident that occurred on said night, the said Superior Court has destroyed all of the discovery pertaining to his state case (case number is unknown) (please see Attachment A, at #1 and #4).

Petitioner Ordonez-Vega was later indicted in the U.S. District Court for the Western District of North Carolina (Charlotte Division) on one count of RICO (Racketeer Influenced Corrupt Organization) conspiracy in violation of 18 U.S.C. § 1962(d); one count of murder in aid of racketeering in violation of 18 U.S.C. § 1959(a)(1) and (2); and one count of using, brandishing, and discharging of firearm during and in relation to a crime of violence in violation of 18 U.S.C. § 924(c), (j)(1).

During trial the said video was not entirely shown. The part that showed Noel Navarro-Hernandez brandish his weapon before Petitioner Ordonez-Vega shot him was never shown by the prosecutor or his defense counsel. And he believes if the jury would have seen this part of the video the outcome of his trial would have been different. And so he has been trying to get a copy of this video and of all other legal documents pertaining to his case so he

can properly raise his legal claims.

Petitioner Ordonez-Vega tried to get a copy of his discovery in his state case from the said Superior Court (please see Attachment A).

Petitioner Ordonez-Vega tried to get a copy of his discovery in this case from his trial counsels before trial (please see Attachment B).

Petitioner Ordonez-Vega tried to get a copy of any and everything regarding his criminal case from his appellate counsel, Walter Hoytt Paramore (please see Attachment C).

On October 26, 2023 Petitioner Ordonez-Vega filed, after informing the Honorable Conrad, Jr. that he might need judicial intervention (please see Attachment D), his Motion to Compel in the said District Court.

On May 30, 2024 the Honorable Conrad, Jr. denied said Motion to Compel. Petitioner Ordonez-Vega immediately sought the assistance of the inmate who assisted him in preparing his Motion to Compel, and then mailed his Motion for Reconsideration about a week after he received the denial of his Motion to Compel (the Clerk of the said District Court mistakenly docketed his Motion for Reconsideration on the same day it was denied, August 2, 2024).

On August 2, 2024 the Honorable Conrad, Jr. denied Petitioner Ordonez-Vega's Motion for Reconsideration. He then filed a Notice of Appeal (8-23-24) of the denial of his Motion to Compel. During this time the institution where he was then confined at, USP-Coleman #2, was having frequent lockdowns for various reasons (staff attacks, inmate attacks, staff shortages, drug overdoses, etc.).

On August 26, 2024 the U.S. Court of Appeals for the Fourth Circuit gave Petitioner Ordonez-Vega until September 19, 2024 to file his Informal Opening

Brief. However, he was unable to meet this deadline due to USP-Coleman #2 being on lockdown (please see Attachment E for proof of USP-Coleman #2 having frequent, continuous lockdowns).

On September 23, 2024 the said Court of Appeals issued Petitioner Ordonez-Vega a Rule 45 Notice, and gave him until October 8, 2024 to file his Informal Opening Brief. He was unable to meet this new deadline, for USP-Coleman #2 was still on lockdown. And on October 29, 2024 the said Court of Appeals issued its Rule 45 Mandate.

In February or March of 2025, Petitioner Ordonez-Vega was able to transfer from USP-Coleman #2 to FCI-Fairton. He was in transit for about a month or so, and arrived at FCI-Fairton in April 2025. As soon as possible, he found an inmate to assist him with his legal filings (please see Attachment F).

In May 2025 Petitioner Ordonez-Vega requested the Clerk of the said Court of Appeals and the said District Court a copy of his docket sheet, that he may know which of his appeals was for the denial of his Motion to Compel (please see Attachment G). After learning which of his appeals was for the denial of his Motion to Compel, he promptly prepared his Motion to Recall Mandate seeking to have his appeal reinstated, and filed it in the said Court of Appeals.

On July 8, 2025 the said Court of Appeals denied Petitioner Ordonez-Vega's Motion to Recall Mandate. He then prepared and timely filed his Petitions for Panel Rehearing and Rehearing En Banc.

On October 16, 2025 the said Court of Appeals denied said Petitions.

II. SPECIAL CIRCUMSTANCES OF THE CASE

There are two special circumstances that exist;

1). The Honorable Conrad, Jr. denied Petitioner Ordonez-Vega's Motion for Reconsideration in conflict with controlling case law of the said Court of Appeals.

Petitioner Ordonez-Vega filed his Motion for Reconsideration in response to the reason the Honorable Conrad, Jr. gave for denying his Motion to Compel, that is, that "the defendant has not shown that former counsel has retained any papers or property to which the defendant is entitled," Appendix B, p.1, by providing the proof that Mr. Paramore does retain papers or property to which he is entitled.

The Honorable Conrad, Jr. denied said Motion for Reconsideration, stating that the said District Court "has ruled that neither the federal statutes nor the Rules of Criminal Procedure authorize a motion for reconsideration in a criminal case." Appendix C, p.1. This reasoning conflicts with the said Court of Appeals holding in *United States v. Bunn*, 215 F.3d 430, 434 (4th Cir. 2000), which held it recognizes "that proceedings ancillary to a criminal prosecution can be civil in nature," and gave an example of a case where it had to decide whether an appeal of a motion for return of property was timely filed. The said Court of Appeals held "that a motion for return of property, at least where no criminal proceeding are pending, is a civil action against the United States, and, therefore...the sixty-day period for appeals in civil actions in which the United States is a party applies." *Id.* at 435 (emphasis added) (quotation marks and citations omitted).

Therefore, Petitioner Ordonez-Vega's Motion to Compel is a civil action against a United States officer, *Ferri v. Acherman*, 444 U.S. 193, 201 (1979) ("a lawyer who is appointed to represent an indigent defendant in a federal

judicial proceeding is also a federal officer'), because it is "not a part of the trial and punishment process that is criminal law," U.S. v. Bunn, at 435 (quotation marks and citation omitted), but a request seeking his legal property. So his Motion for Reconsideration was authorized by the Federal Rules of Civil Procedure, timely filed, and should have been considered by the Honorable Conrad, Jr.

2). Petitioner Ordonez-Vega is a native of Guatemala who needed a translator for his entire trial, because he is ignorant to the nuances of the English language. He is also ignorant to the law and the legal processes and cannot afford an attorney. He is reliant upon the assistance of inmates to help him with his legal filings. Without such assistance he is unable to present his legal claims to the courts. And so it was not his fault that he was prevented from receiving the inmate assistance he needs to communicate to the courts when USP-Coleman #2 was on lockdowns, which consequently caused him to miss his Informal Opening Brief deadline.

III. THE COURT OF APPEALS HAS DENIED PETITIONER'S MOTION TO RECALL MANDATE IN A WAY IN CONFLICT WITH AN APPLICABLE DECISION OF THE COURT

In Taylor v. McKeithen, 407 U.S. 191 (1972), the Court vacated the judgment of a court of appeals' summary reversal of a district court's decision, without the issuing of an opinion. It was done not because the courts of appeals is without power to render a judgment without an opinion, as the Court states, "we, of course, agree that the courts of appeals should have wide latitude in their decisions of whether or how to write opinions." Id. at n.4. But it was done due to the special circumstances of that case.

There, in Taylor v. McKeithen, the special circumstances was that the court of appeals had "summarily reversed without any opinion on a point that had been considered at length by the District Judge." Id. at n.4. And the Court's reasoning was that the "record [did] not fully inform us of the precise nature of the litigation and...we have not had the benefit of the insight of the Court of Appeals." Id. at 194.

Here, the special circumstances are, as stated above, (1) the Honorable Conrad, Jr.'s denial of Petitioner Ordonez-Vega's Motion for Reconsideration conflicts with controlling authority of the said Court of Appeals, and (2) he is a native of Guatemala who is ignorant to both the nuances of the English language and to the law, and he cannot afford an attorney which makes it necessary for him to have inmate assistance in order to communicate to the courts. And the said Court of Appeals' decision to deny his Motion to Recall Mandate without any opinion either creates nonuniformity of its decisions, or an unwritten internal precedent in conflict with the Court's holdings.

REASONS FOR GRANTING THE PETITION

The Court's supervisory power is needed for the following reasons:

The said Court of Appeals decision to deny Petitioner Ordonez-Vega's Motion to Recall Mandate without an opinion suggests that (1) it agrees with the Honorable Conrad, Jr.'s opinion denying his Motion for Reconsideration; (2) it decided that his reasoning for not meeting his Informal Opening Brief deadline is not an exceptional circumstance to recall mandate; or (3) it decided that although he was faultless in not meeting his Informal Opening Brief deadline, because the political attitude towards Latin immigrants in this country is currently contemptuous, his right to an appeal should not be reinstated.

If it is the first suggestion, the said Court of Appeals' decision reverses its holding in *U.S. v. Bunn*. Therefore, it should have written an opinion setting forth its reasoning for doing so, that the Court would have "the benefit of [its] insight." *Taylor v. McKeithen*, at 194.

If it is the second suggestion, the said Court of Appeals' decision disregards the Court's reasoning for setting the precedent that inmates may assist other inmates in preparing legal documents. *Johnson v. Avery*, 393 U.S. 483 (1969). The Court reasoned that "jails and penitentiaries include among their inmates a high percentage of persons who are totally or functionally illiterate, whose educational attainments are slight, and whose intelligence is limited." *Id.* at 487. It further disregards the special circumstance of Petitioner Ordonez-Vega being a native of Guatemala who is ignorant to both the nuances of the English language and the law, and who cannot afford an attorney.

If it is the third suggestion, the said Court of Appeals is engaging in politics, and is violating the separation of powers.

WHEREFORE, the reversal of the said Court of Appeals denial of Petitioner Ordonez-Vega's Motion to Recall Mandate without opinion would (1) ensure it maintains uniformity of its decisions; (2) prevent it from the practice of departing from its holdings without providing a reason for doing so; (3) ensure it keeps its decisions in line with Taylor v. McKeithen and Johnson v. Avery; and (4) ensure it leaves the politics to the legislative and executive branches of government.

CONCLUSION

The petition for a writ of certiorari should be granted.

I DECLARE under penalty of perjury that the foregoing is true and correct according to my information and knowledge and according to my belief.

Respectfully submitted,

Luis Ordoñez
Luis Ordoñez

Date: 1-13-26

CERTIFICATE OF FILING

I DECLARE under penalty of perjury that I placed the foregoing and its attachments in the hands of the proper prison officials of FCI-Fairton on 1-13-26 to be mailed to the Clerk of the Court through the prison's internal legal mail system.

Luis Ordoñez
NAME

Luis Ordoñez
SIGNATURE

1-13-26
DATE

No. _____

IN
SUPREME COURT OF THE UNITED STATES

LUIS ORDONEZ-VEGA - PETITIONER
vs.
UNITED STATES OF AMERICA - RESPONDENT

APPENDICES

Luis Ordonez-Vega
Fed. Reg. No. 30103-058
Federal Correctional Institution-Fairton
P.O. Box 420
Fairton, New Jersey 08320

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UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-6827
(3:15-cr-00121-RJC-SCR-22)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

LUIS ORDONEZ-VEGA, a/k/a Big Boy

Defendant - Appellant

ORDER

Upon consideration of submissions relative to the motion to recall the
mandate, the court denies the motion.

For the Court--By Direction

/s/ Nwamaka Anowi, Clerk

FILED: October 16, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-6827
(3:15-cr-00121-RJC-SCR-22)

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LUIS ORDONEZ-VEGA, a/k/a Big Boy,

Defendant - Appellant.

ORDER

Upon consideration of Appellant's motion to reconsider the court's July 8, 2025, order denying Appellant's motion to recall the mandate, the court denies the motion.

Entered at the direction of the panel: Judge King, Judge Agee, and Senior Judge Floyd.

For the Court

/s/ Nwamaka Anowi, Clerk

1/2

3 June 2024

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:15-CR-00121-RJC-SCR

USA

)

)

v.

)

ORDER

)

LUIS ORDONEZ-VEGA (22)

)

)

THIS MATTER is before the Court on the defendant's pro se Motion to Compel former appellate counsel W.H. Paramore III Davis to release trial transcripts, all discovery materials, and videos or CDs in his possession, (Doc. No. 1349); his Motion to Find Former Counsel in Contempt, (Doc. No. 1355); Mr. Paramore's response, (Doc. No. 1368); and related pleadings.

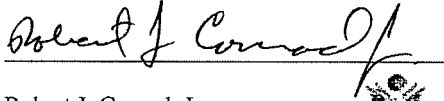
The Court previously denied the defendant's request for trial transcripts. (Doc. No. 1348: Motion; Doc. No. 1350: Order). Former counsel asserts that he did not receive discovery from the government for use on appeal, but rather considered objections made and preserved before this Court. (Doc. No. 1368: Response at 2). Based on the entire record of this case, the Court finds that the defendant has not shown that former counsel has retained any papers or property to which the defendant is entitled.

IT IS, THEREFORE, ORDERED that the Motion to Compel, (Doc. No. 1349), and Motion for Contempt, (Doc. No. 1355), are **DENIED**.

2/2 3 June 2024

The Clerk is directed to certify copies of this order to Mr. Paramore, the defendant, and the United States Attorney.

Signed: May 30, 2024



Robert J. Conrad, Jr.
United States District Judge



IN THE UNITED STATES DISTRICT COURT
 FOR THE WESTERN DISTRICT OF NORTH CAROLINA
 CHARLOTTE DIVISION
 3:15-CR-00121-RJC-SCR

USA)	
)	
v.)	<u>ORDER</u>
)	
LUIS ORDONEZ-VEGA)	
<hr style="width: 45%; margin-left: 0;"/>)	

THIS MATTER is before the Court upon motion of the defendant pro se, (Doc. No. 1393), to reconsider the denial, (Doc. No. 1382: Order), of his motions to compel former appellate counsel to provide materials allegedly in his possession, (Doc. No. 1349); and to find former counsel in contempt, (Doc. No. 1355).

The United States Court of Appeals for the Fourth Circuit has ruled that neither the federal statutes nor the Rules of Criminal Procedure authorize a motion for reconsideration in a criminal case. United States v. Breit, 754 F.2d 526, 530 (4th Cir. 1985) (“[D]efendant’s remedies are limited by the statutes and Federal Rules of Criminal and Appellate Procedure . . .”). Accordingly, a defendant must file a notice of appeal within 14 days after the entry of the order being appealed. Fed. R. App. P. 4(b)(1)(A)(i).

IT IS, THEREFORE, ORDERED that the defendant’s motion, (Doc. No. 1393), is **DISMISSED**.

The Clerk is directed to certify copies of this Order to the defendant and the United States Attorney.
 Signed: August 2, 2024



Robert J. Conrad, Jr.
 United States District Judge

