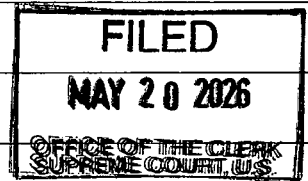


25-7666

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



MARSHUS O'DON MCCORMICK, Petitioner

v.

UNITED STATES OF AMERICA, Respondent

ON PETITION FOR A WRIT OF CERTIORARI TO

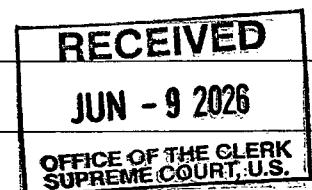
UNITED STATES FOURTH CIRCUIT COURT OF APPEALS

PETITION FOR WRIT OF CERTIORARI

MARKUS O'DON MCCORMICK

PO Box 1109

Clinton, NC 28329



QUESTIONS PRESENTED

(1) WHETHER THE FOURTH CIRCUIT EN BANC COURT ERRED IN DENYING PETITIONER APPEAL?

LIST OF PARTIES

MARIUS ODOM MCCORMICK - Petitioner

UNITED STATES OF AMERICA - Respondent

RELATED CASES

25-5373

5:23-cr-276-FL

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The opinion of the United States court of appeals appears at Appendix A to the petition and is unpublished.

JURISDICTION

☒ For cases from

The date on which the United States Court of Appeals decided my case was 11-14-2025

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date 3-10-2026, and a copy of the order denying rehearing appears at Appendix A.

The jurisdiction of this court is invoked under 28 U.S.C. § 1254(1).

STATEMENT OF THE CASE

In Hope Mills, N.C. on 12-10-2020 at 727 Orchard Street Petitioner (M.M. hereinafter) was punched in the face through his open driver side window of his vehicle by Eric Vasquez (E.V. hereinafter) as he sat in E.V. driveway. Cumberland County Deputy Sheriffs were called to scene and M.M. peacefully surrendered and stated "I was defending myself." Cumberland County Deputy Sheriff Samir McLeod^(J.M. hereinafter) arrested M.M. and placed him in back of sheriff's vehicle. Without consent Deputy Sheriffs searched M.M. and his vehicle and seized money and a cellphone. A witness on scene Pasha Brittany McLean (P.M. hereinafter) told officers "M.M. may have stashed something in the underpanning of the trailer" and officers searched and allegedly recovered a firearm and controlled substances from up under E.V. trailer and charged M.M. with them. J.M. appeared in front of a Magistrate to swear out an arrest warrant which resulted in M.M. being charged with Breaking & Entering, Terrorize, Injure Victim, Assault with a deadly weapon, Possession with attempt to sell and deliver schedule I, II, VI controlled substances and Firearm by Felon. M.M. was booked into the Cumberland County Detention Center and placed under a bond. M.M. posted bond but had to go home on Fayetteville Police Department electronic house monitoring at 1632 Newark Avenue a residence inside Fayetteville, N.C. J.M. appeared before a magistrate again on 12-21-2020 to swear out an arrest warrant on upgraded charges of first degree burglary and assault with a deadly weapon inflicting serious injury. As a result of the upgraded charges Detective Ramon Herrera (R.H. hereinafter) along with other members of Fayetteville Police Department went to M.M. address on Newark Avenue busted open the door as they were knocking to arrest M.M. and yelled for M.M. to "come outside", where he was arrested without incident in the front of the home. R.H. did not have arrest warrant in possession at time of arrest and even though M.M. was cooperative with officers during arrest outside of the home, without a search warrant officers breached the front door went inside without consent. M.M. was driven to Cumberland County Detention Center where M.M. was booked in for newly upgraded charges by J.M. In booking R.H. gave false

statements while swearing out probable cause to Magistrate for search warrant of M.M. residence. The Magistrate issued the search warrant and R.H. seized M.M. cell phone and U.S. currency and stated to M.M. "after we search the 1622 Newark Avenue address if we don't find any drugs I will return your money to you." The search resulted in residual amounts of controlled substances and two firearms allegedly recovered which led to R.H. charging M.M. with 2 counts of firearm by felon and misdemeanor possession of controlled substances, R.H. did not return M.M. currency or cell phone as stated. M.M. was issued an additional increase in bond amount and booked into Cumberland County Detention Center. M.M. remained in custody from 12-21-2020 until all charges were voluntarily dismissed on 9-1-2021. This suit follows

REASONS FOR GRANTING THE PETITION

I. The 4th Circuit sitting en banc did commit reversible error in denying petition for rehearing en banc

1. The trial court lacked jurisdiction:

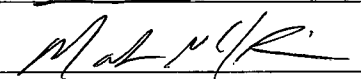
a. In the instant case Chief Judge Richard Myers [D.E. 12] ordered "the proceedings in this case on stay until all district court's appellate matters disposed of in case No. 5:23-CR-276-FL"

b. The court erroneously lifted the stay at the sentencing hearing on 9-30-24 in case no. 5:23-CR-276-FL and used a large portion of the U.S. currency to pay the fine in criminal case in which Petitioner is not in Federal custody, plus the court ordered the Federal criminal sentence not to begin until expiration of state sentence therefore the court violated the previous Chief Judge's order by lifting the stay before appellate proceedings were over and making ~~Appellant~~ Petitioner pay a fine on a sentence that hasn't begun in which the appeal is still active in case File no. 24-9522 and the only remedy is to reverse and remand back to district court for trial

In Conclusion, Petitioner prays for the above mentioned reasons this court grant this petition and order a trial in district court.

5-20-26

Dated



P.O. Box 1109

Clinton, N.C. 28329