

APPENDIX

Appendix A: United States Court of Appeals for the D.C. Circuit, Per Curiam Judgment affirming district court orders of September 30, 2024 and December 5, 2024, No. 25-5012 (Filed October 20, 2025) [Doc. #2141107]; and Per Curiam Order denying motion for reconsideration (Filed October 20, 2025) [Doc. #2141092]

Appendix B: United States Court of Appeals for the D.C. Circuit, Per Curiam Order Denying Petition for Rehearing En Banc, No. 25-5012 (Filed February 9, 2026) [Doc. #2158185]

Appendix C: United States District Court for the District of Columbia, Memorandum and Opinion and Order Dismissing Pro Se Case Without Prejudice, Case No. 1:24-cv-02061-UNA (September 30, 2024, Judge Dabney L. Friedrich); and Order Denying Reconsideration (December 5, 2024, Judge Loren L. AliKhan)

Appendix D: Letter from Clerk Scott S. Harris returning Petitioner's petition as untimely (April 8, 2024), RE: Santoyo v. Mancine, ILSC No. 129493

Appendix E: Letter from Office of the Clerk of the Supreme Court of the United States confirming Chief Justice's extension of time to June 9, 2026, Application No. 25A933 (February 24, 2026) [D.C. Circuit Doc. #2161847, entered 02/27/2026]

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 25-5012**September Term, 2025****1:24-cv-02061-UNA****Filed On: October 20, 2025**

Ruben Santoyo,

Appellant

v.

Supreme Court of the United States,

Appellee

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BEFORE: Millett, Pillard, and Rao, Circuit Judges

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on the brief filed by appellant. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

ORDERED AND ADJUDGED that the district court's orders filed September 30, 2024 and December 5, 2024, be affirmed. The district court correctly concluded that it lacks authority to compel the Supreme Court or its Clerk's Office to take any action. See In re Marin, 956 F.2d 339, 340 (D.C. Cir. 1992) (per curiam) (stating that the Supreme Court has "exclusive" supervisory responsibility over its Clerk, and "neither a district court nor a circuit court of appeals has jurisdiction to interfere with it by mandamus or otherwise"). Additionally, appellant has not shown that the district court abused its discretion in denying his motion for reconsideration. See Messina v. Krakower, 439 F.3d 755, 759 (D.C. Cir. 2006) (denials of Federal Rule of Civil Procedure 59(e) motions are reviewed for abuse of discretion).

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 25-5012**September Term, 2025**

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

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. 25-5012

September Term, 2025

1:24-cv-02061-UNA

Filed On: February 9, 2026

Ruben Santoyo,

Appellant

v.

Supreme Court of the United States,

Appellee

BEFORE: Srinivasan, Chief Judge, and Henderson, Millett, Pillard, Wilkins,
Katsas, Rao, Walker, Childs, Pan, and Garcia, Circuit Judges

ORDER

Upon consideration of the petition for rehearing en banc, and the absence of a request by any member of the court for a vote, 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 DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

RUBEN SANTOYO,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 24-2061 (UNA)
	)	
SUPREME COURT OF THE UNITED STATES,	)	
	)	
Defendant.	)	

MEMORANDUM OPINION AND ORDER

This matter is before the Court on review of the plaintiff's application to proceed *in forma pauperis* (ECF No. 2) and his *pro se* complaint (ECF No. 1). For the reasons stated below, the Court will grant the application and dismiss the complaint.

The plaintiff challenges the decision of the Supreme Court of the United States to deny his petition for a writ of certiorari as untimely. *See* Compl. ¶¶ 6-9. According to the plaintiff, "extraordinary circumstances . . . contributed to the delay in filing," *id.* ¶ 11, and he faults the Supreme Court for failing to consider them when it denied his petition, *id.* ¶ 12. The plaintiff alleges that the Supreme Court's decision arbitrary, capricious, and in violation of his right to due process. *See id.* ¶¶ 13-14. He demands a declaration that the Supreme Court's actions were unconstitutional, *see id.* ¶ 15.a., and an order directing the Supreme Court "to reconsider [his] petition for a writ of certiorari in light of the extraordinary circumstances presented," *id.* ¶ 15.b.

This federal district court has no authority to compel the Supreme Court, its Justices, or its Clerk to act. *Jones v. U.S. Supreme Ct.*, No. 10-cv-0910, 2010 WL 2363678, at *1 (D.D.C. June 9, 2010) ("This court is not a reviewing court and cannot compel Supreme Court justices or other Article III judges in this or other districts or circuits to act."), *aff'd sub nom. Jones v. Supreme Ct. of U.S.*, 405 F. App'x 508 (D.C. Cir. 2010) (per curiam), *aff'd*, 563 U.S. 914

(2011)); *see Panko v. Kodak*, 606 F.2d 168, 171 n.6 (7th Cir. 1979), *cert. denied*, 444 U.S. 1081 (1980) (“It seems axiomatic that a lower court may not order the judges or officers of a higher court to take an action.”). The Court will therefore dismiss the plaintiff’s complaint and this civil action for lack of subject matter jurisdiction. *See Smith v. Supreme Court of the United States*, No. 08-5171, 2008 WL 5532101, at *1 (D.C. Cir. Oct. 10, 2008) (per curiam) (“The district court properly dismissed the complaint because lower courts lack jurisdiction to review decisions of the United States Supreme Court or to compel Supreme Court clerks to take any action.”); *In re Marin*, 956 F.2d 339, 340 (D.C. Cir. 1992) (per curiam) (affirming district court’s *sua sponte* dismissal of complaint on the ground “that it lacked subject matter jurisdiction to review any decision of the Supreme Court or its Clerk”).

Accordingly, it is

ORDERED that the plaintiff’s [2] application to proceed *in forma pauperis* is GRANTED; and it is further

ORDERED that the complaint and this civil action are DISMISSED. This is a final appealable Order. *See Fed. R. App. P. 4(a)*.

DATE: September 30, 2024

DABNEY L. FRIEDRICH
United States District Judge

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

RUBEN SANTOYO,

Plaintiff,

V.

SUPREME COURT OF
THE UNITED STATES,

Defendant.

Civil Action No. 1:24-cv-2061 (UNA)

ORDER

In June 2024, Plaintiff brought this action alleging that the Supreme Court of the United States had violated his right to due process and acted arbitrarily and capriciously when it denied his petition for a writ of certiorari as untimely. ECF No. 1. On September 30, 2024, the court dismissed the case without prejudice for lack of subject matter jurisdiction, explaining that a federal district court has no authority to compel the Supreme Court, its Justices, or its Clerk, to act. *See* ECF No. 3 at 1-2 (citing cases). On October 18, 2024, Plaintiff filed a motion for reconsideration, ECF No. 6, seeking to reinstate this case.

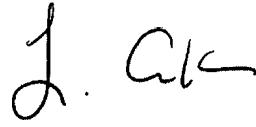
The court construes Plaintiff's motion as one to alter or amend judgment pursuant to Federal Rule 59(e). *See Emory v. Sec'y of Navy*, 819 F.2d 291, 293 (D.C. Cir. 1987) (explaining that "any motion that draws into question the correctness of the judgment," filed within twenty-eight days of that judgment, "is functionally a motion under Civil Rule 59(e), whatever its label"). Motions submitted pursuant to Rule 59(e) need not be granted "unless the district court finds that there is an intervening change of controlling law, the availability of new evidence or the need to

correct a clear error or prevent manifest injustice.” *Firestone v. Firestone*, 76 F.3d 1205, 1208 (D.C. Cir. 1996). Here, Plaintiff had fallen short of that standard.

In his motion, Plaintiff reiterates his request for declaratory and injunctive relief. ECF No. 6, at 2. But the court has already rejected his request for declaratory and injunctive relief, ECF No. 5, at 1, and “a motion for reconsideration . . . cannot merely reargue previous factual and legal assertions,” *Miss. Ass’n of Coops. v. Farmers Home Admin.*, 139 F.R.D. 542, 546 (D.D.C. 1991). In any event, Plaintiff’s argument is squarely foreclosed by the cases cited in the court’s original opinion. ECF No. 3, at 1-2 (citing cases). While Plaintiff contends that his case is different because he is alleging violations of due process and equal protection, ECF No. 6, at 2, this court dismissed a nearly identical due process claim for lack of subject matter jurisdiction in *Reddy v. O’Connor*, 520 F. Supp. 2d 124, 132 (D.D.C. 2007), and Plaintiff did not bring an equal protection claim in his original complaint and may not raise one for the first time in a Rule 59(e) motion, *see District of Columbia v. Doe*, 611 F.3d 888, 896 (D.C. Cir. 2010) (“It is well settled that ‘an issue presented for the first time in a motion pursuant to Federal Rule of Civil Procedure 59(e) generally is not timely raised.’” (quoting *Holland v. Big River Minerals Corp.*, 181 F.3d 597, 605 (4th Cir. 1999))).

Accordingly, Plaintiff has failed to present a basis for the court to alter or amend the judgment under Rule 59(e), and his motion, ECF No. 6, is therefore **DENIED**.

SO ORDERED.

A handwritten signature in black ink, appearing to read "L. Alikhan", written above a horizontal line.

LOREN L. ALIKHAN
United States District Judge

Date: December 5, 2024

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