

No.

IN THE
Supreme Court of the United States

In re VILLANUEVA-MARTINEZ,
Petitioner

Appendix to Petition for a Writ of Mandamus

NICOLE M. KAPLAN
Counsel of Record
FEDERAL DEFENDER PROGRAM
101 Marietta Street, NW
Suite 1500
Atlanta, Georgia 30303
(404) 688-7530
Nicole_Kaplan@FD.org

Docket of the United States Court of Appeals for the Eleventh Circuit
Case No. 24-12208

Pet. App. 1

PACER fee: Exempt

General Docket
United States Court of Appeals for the Eleventh Circuit

Court of Appeals Docket #: 24-12208
USA v. Ricardo Villanueva-Martinez
Appeal From: Northern District of Georgia
Fee Status: Fee Not Required

Docketed: 07/08/2024

Case Type Information:

- 1) Criminal
- 2) Direct Criminal
- 3) -

Originating Court Information:

District: 113E-1 : [1:24-cr-00063-JPB-JEM-1](#)
Court Reporter: Darla Coulter
Court Reporter: Penny L. Pritty Coudriet
Court Reporter: Denise Marie Stewart
Sentencing Judge: Jean-Paul Boulee, U.S. District Judge
Secondary Judge: J. Elizabeth McBath, U.S. Magistrate Judge
Date Filed: 02/27/2024
Date NOA Filed:
07/08/2024

Prior Cases:

None

Current Cases:

None

UNITED STATES OF AMERICA

Appellee

Plaintiff -

James Y. Hwang
Direct: 404-581-6322
[COR NTC US Attorney]
DOJ-USAO
Northern District of Georgia
Firm: 404-581-6000
75 TED TURNER DR SW STE 600
ATLANTA, GA 30303

Gabriel Adam Mendel
[COR NTC US Attorney]
DOJ-USAO
Northern District of Georgia
Firm: 404-581-6000
75 TED TURNER DR SW STE 600
ATLANTA, GA 30303

U.S. Attorney Service - Northern District of Georgia
[COR NTC US Attorney]
DOJ-USAO
Northern District of Georgia
Firm: 404-581-6000
75 TED TURNER DR SW STE 600
ATLANTA, GA 30303

versus

RICARDO VILLANUEVA-MARTINEZ

Appellant

Defendant -

Chelsea Champion
Direct: 404-688-7530
[COR LD NTC Fed Public Defender]
Federal Defender Program
Firm: 404-688-7530
101 MARIETTA ST NW STE 1500
ATLANTA, GA 30303

Stephen Patrick Johnson
Direct: 404-688-7530

[COR LD NTC Fed Public Defender]
Federal Defender Program
Firm: 404-688-7530
101 MARIETTA ST NW STE 1500
ATLANTA, GA 30303

Federal Defender Organization - Northern District of Georgia
[COR NTC Fed Public Defender]
Federal Defender Program
Firm: 404-688-7530
101 MARIETTA ST NW STE 1500
ATLANTA, GA 30303

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

RICARDO VILLANUEVA-MARTINEZ,
a.k.a. Nicolas Enrique-Ruiz,

Defendant - Appellant.

07/08/2024	☐ 1	CRIMINAL APPEAL DOCKETED. Notice of appeal filed by Appellant Ricardo Villanueva-Martinez on 07/08/2024. Fee Status: Fee Not Required. [Entered: 07/09/2024 02:39 PM]
07/11/2024	☐ 2	APPEARANCE of Counsel Form filed by James Hwang for USA Related cases? No. [24-12208] (ECF: James Hwang) [Entered: 07/11/2024 09:10 AM]
07/11/2024	☐ 3	APPEARANCE of Counsel Form filed by Lawrence R. Sommerfeld for USA Related cases? No. [24-12208] (ECF: Lawrence Sommerfeld) [Entered: 07/11/2024 09:14 AM]
07/22/2024	☐ 4	Certificate of Interested Persons and Corporate Disclosure Statement filed by Attorney Stephen Patrick Johnson for Appellant Ricardo Villanueva-Martinez. On the same day the CIP is served, any filer represented by counsel must also complete the court's web-based stock ticker symbol certificate at the link here http://www.ca11.uscourts.gov/web-based-cip or on the court's website. See 11th Cir. R. 26.1-1(b). [24-12208] (ECF: Stephen Johnson) [Entered: 07/22/2024 01:26 PM]
07/22/2024	☐ 5	TRANSCRIPT INFORMATION FORM SUBMITTED by Attorney Stephen Patrick Johnson for Appellant Ricardo Villanueva-Martinez. Transcript(s) ordered. [24-12208] (ECF: Stephen Johnson) [Entered: 07/22/2024 01:27 PM]
07/22/2024	☐ 6	TRANSCRIPT INFORMATION FORM SUBMITTED by Attorney Stephen Patrick Johnson for Appellant Ricardo Villanueva-Martinez. Transcript(s) ordered. [24-12208] (ECF: Stephen Johnson) [Entered: 07/22/2024 01:27 PM]
07/23/2024	☐ 7	TRANSCRIPT INFORMATION FORM PROCESSED. Transcript Order: Filer: Ricardo Villanueva-Martinez, Court Reporter: Denise Marie Stewart, Proceeding Type and Date: Plea Hearing 03/28/2024. [Entered: 07/23/2024 10:23 AM]
07/23/2024	☐ 8	TRANSCRIPT INFORMATION FORM PROCESSED. Transcript Order: Filer: Ricardo Villanueva-Martinez, Court Reporter: Penny Coudriet, Proceeding Type and Date: Sentencing 06/26/2024. [Entered: 07/23/2024 10:30 AM]
08/02/2024	☐ 9	Court Reporter Acknowledgment filed. Transcript Order: Denise Marie Stewart, 07/22/2024, Ricardo Villanueva-Martinez, Plea Hearing 03/28/2024. [Entered: 08/02/2024 04:49 PM]
08/05/2024	☐ 10	Certificate of Interested Persons and Corporate Disclosure Statement filed by James Hwang for USA Attorney James Y. Hwang for Appellee USA. On the same day the CIP is served, any filer represented by counsel must also complete the court's web-based stock ticker symbol certificate at the link here http://www.ca11.uscourts.gov/web-based-cip or on the court's website. See 11th Cir. R. 26.1-1(b). [24-12208] (ECF: James Hwang) [Entered: 08/05/2024 08:40 AM]
08/07/2024	☐ 11	APPEARANCE of Counsel Form filed by Chelsea Champion for Appellant Related cases? No. [24-12208] (ECF: Chelsea Champion) [Entered: 08/07/2024 02:43 PM]
08/08/2024	☐ 12	TRANSCRIPTS FILED. Transcript Order: Court Reporter: Denise Marie Stewart, Filer: Ricardo Villanueva-Martinez, Dt. all Trans. Filed: 08/06/2024, Proceeding Type and Date: Plea Hearing 03/28/2024. [Entered: 08/08/2024 10:49 AM]
08/09/2024	☐ 13	Court Reporter Acknowledgment filed. Transcript Order: Penny Coudriet, 07/22/2024, Ricardo Villanueva-Martinez, Sentencing 06/26/2024. [Entered: 08/09/2024 11:41 AM]
08/27/2024	☐ 14	TRANSCRIPTS FILED. Transcript Order: Court Reporter: Penny Coudriet, Filer: Ricardo Villanueva-Martinez, Dt. all Trans. Filed: 08/21/2024, Proceeding Type and Date: Sentencing 06/26/2024. [Entered: 08/27/2024 09:42 AM]
08/27/2024	☐ 15	Briefing Notice issued to Appellant Ricardo Villanueva-Martinez. The appellant's brief is due on or before 09/30/2024. The appendix is due no later than 7 days from the filing of the appellant's brief. [Entered: 08/27/2024 09:43 AM]
09/16/2024	☐ 16	Over the phone extension granted by clerk as to Attorney Chelsea Champion for Appellant Ricardo Villanueva-Martinez. Appellants brief due on 10/30/2024 as to Appellant Ricardo Villanueva-Martinez. Appendix due on 11/06/2024 as to Appellant Ricardo Villanueva-Martinez. <u>Any request for a second or subsequent extension of time shall be subject to 11th Cir. R. 31-2(d).</u> [Entered: 09/16/2024 12:00 PM]
10/30/2024	☐ 17	Appellant's brief filed by Ricardo Villanueva-Martinez. [24-12208] (ECF: Chelsea Champion) [Entered: 10/30/2024 02:10 PM]
10/30/2024	☐ 18	Received 4 paper copies of EBrief, filed by Appellant Ricardo Villanueva-Martinez. [Entered: 11/05/2024 10:06 AM]
11/06/2024	☐ 19	Appendix filed [1 VOLUMES] by Appellant Ricardo Villanueva-Martinez. [24-12208] (ECF: Chelsea Champion) [Entered: 11/06/2024 11:23 AM]
11/06/2024	☐ 20	PSI filed by Attorney Chelsea Champion for Appellant Ricardo Villanueva-Martinez. [Entered: 11/13/2024 12:41 PM]

11/06/2024	☐ 21	Received paper copies of EAppendix filed by Appellant Ricardo Villanueva-Martinez. 1 VOLUMES - 2 COPIES [Entered: 11/13/2024 04:19 PM]
11/27/2024	☐ 22 22 pg, 170.45 KB	Appellee's Brief filed by Appellee USA. [24-12208] (ECF: James Hwang) [Entered: 11/27/2024 01:58 PM]
12/03/2024	☐ 25	Received 4 paper copies of EBrief, filed by Appellee USA. [Entered: 12/12/2024 02:42 PM]
12/04/2024	☐ 23 5 pg, 492.06 KB	Supplemental Appendix [1 VOLUMES] filed by Appellee USA. [24-12208] (ECF: James Hwang) [Entered: 12/04/2024 01:07 PM]
12/05/2024	☐ 27	Received paper copies of Supplemental EAppendix filed by Appellee USA. 1 VOLUMES - 2 COPIES [Entered: 12/19/2024 02:49 PM]
12/11/2024	☐ 24	Over the phone extension granted by clerk as to Attorney Chelsea Champion for Appellant Ricardo Villanueva-Martinez. Updated Reply Brief. Due on 01/17/2025 as to Appellant Ricardo Villanueva-Martinez. Any request for a second or subsequent extension of time shall be subject to 11th Cir. R. 31-2(d). -- [Edited 12/11/2024 by MDT] [Entered: 12/11/2024 09:44 AM]
12/13/2024	☐ 26 10 pg, 178.99 KB	Reply Brief filed by Appellant Ricardo Villanueva-Martinez. [24-12208] (ECF: Chelsea Champion) [Entered: 12/13/2024 11:56 AM]
12/16/2024	☐ 28	Received 4 paper copies of Reply EBrief, filed by Appellant Ricardo Villanueva-Martinez. [Entered: 01/03/2025 03:53 PM]
07/11/2025	☐ 29 1 pg, 127.98 KB	APPEARANCE of Counsel Form filed by Gabriel A. Mendel for USA Related cases? No. [24-12208] (ECF: Gabriel Mendel) [Entered: 07/11/2025 09:03 AM]
12/30/2025	☐ 30 2 pg, 73.46 KB	<i>MOTION to withdraw as counsel filed by Attorney Gabriel Adam Mendel for Appellee USA. Opposition to Motion is Unknown [30]</i> [24-12208] (ECF: Gabriel Mendel) [Entered: 12/30/2025 08:34 AM]
01/07/2026	☐ 31 1 pg, 24.16 KB	ORDER: The motion to withdraw the Honorable Lawrence R. Sommerfeld as counsel for the Appellee is GRANTED. [30] ENTERED FOR THE COURT - BY DIRECTION. (See attached order for complete text) [Entered: 01/07/2026 11:32 AM]
06/18/2026	☐ 32 5 pg, 109.64 KB	<i>MOTION to expedite filed by Ricardo Villanueva-Martinez. Motion is Unopposed. [32]</i> [24-12208] (ECF: Chelsea Champion) [Entered: 06/18/2026 02:23 PM]
08/12/2026	☐ 33 1 pg, 129.27 KB	APPEARANCE of Counsel Form filed by Nicole M. Kaplan for Ricardo Villanueva-Martinez Related cases? No. [24-12208] (ECF: Nicole Kaplan) [Entered: 08/12/2026 03:20 PM]

Select All

Clear All

☒ Documents and Docket Summary

☐ Documents Only

☐ Include Page Numbers

Selected Pages:

Selected Size:

View Selected

PACER Service Center			
Transaction Receipt			
08/12/2026 15:22:29			
PACER Login:	debraspratt	Client Code:	
Description:	Docket Report (filtered)	Search Criteria:	24-12208
Billable Pages:	2	Cost:	0.20
Exempt Flag:	Exempt	Exempt Reason:	Always

Judgment of the District Court, June 26, 2024

Pet. App. 2

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

UNITED STATES OF AMERICA

v.

RICARDO VILLANUEVA-MARTINEZ

JUDGMENT IN A CRIMINAL CASE

Case Number: 1:24-cr-00063-01-JPB-JEM

USM Number: 71765-019

Stephen Patrick Johnson

Defendant's Attorney

THE DEFENDANT:

The defendant pleaded guilty to Count 1.

The defendant is adjudicated guilty of the offense:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
8 U.S.C. § 1326(a) and (b)(2)	REENTRY OF DEPORTED ALIENS	January 8, 2024	1

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States Attorney of material changes in economic circumstances.

June 26, 2024

Date of Imposition of Judgment



Signature of Judge

J. P. BOULEE, U. S. DISTRICT JUDGE

Name and Title of Judge

June 28, 2024

Date

DEFENDANT: RICARDO VILLANUEVA-MARTINEZ
CASE NUMBER: 1:24-cr-00063-01-JPB-JEM

Judgment -- Page 2 of 5

Judgment in a Criminal Case
Sheet 2 -- Imprisonment

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of: **THIRTY-FIVE MONTHS AND TWO DAYS as to Count 1.**

Upon release from the Bureau of Prisons custody, Defendant shall be remanded to Immigration Customs Enforcement officials for appropriate removal proceedings from the United States. Defendant shall not reenter the United States unless he applies for and receives permission from the Secretary of Homeland Security or the Attorney General to legally enter the United States.

The court makes the following recommendations to the Bureau of Prisons: Designation to a facility nearest to Atlanta, Georgia as possible.

The defendant is remanded to the custody of the United States Marshal.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

DEPUTY UNITED STATES MARSHAL

DEFENDANT: RICARDO VILLANUEVA-MARTINEZ
CASE NUMBER: 1:24-cr-00063-01-JPB-JEM

Judgment -- Page 3 of 5

Judgment in a Criminal Case
Sheet 3 -- Supervised Release

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of: **TWO YEARS as to Count 1.**

The Court has determined, under USSG § Section 5D1.1 application note 5, that supervised release will provide an added measure of deterrence and protection based on the facts and circumstances of this case.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
4. You must cooperate in the collection of DNA as directed by the probation officer.

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: RICARDO VILLANUEVA-MARTINEZ
CASE NUMBER: 1:24-cr-00063-01-JPB-JEM

Judgment -- Page 4 of 5

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see Overview of Probation and Supervised Release Conditions, available at: www.uscourts.gov

I understand that a violation of any of these conditions of supervised release may result in modification, extension, or revocation of my term of supervision.

Defendant's Signature _____ Date _____

USPO's Signature _____ Date _____

DEFENDANT: RICARDO VILLANUEVA-MARTINEZ
CASE NUMBER: 1:24-cr-00063-01-JPB-JEM

Judgment -- Page 5 of 5

Judgment in a Criminal Case
Sheet 5 -- Criminal Monetary Penalties

CRIMINAL MONETARY PENALTIES

Special Assessment

TOTAL \$100

The Court finds that the defendant does not have the ability to pay a fine and cost of incarceration. The Court waives the fine and cost of incarceration in this case.

Fine

TOTAL \$0