

NO: _____

26-5407

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

IN RE: MARKUS ODON MCCORMICK

(Petitioner)

FILED

APR 28 2026

OFFICE OF THE CLERK
SUPREME COURT, U.S.

PETITION FOR WRIT OF MANDAMUS TO THE FOURTH CIRCUIT COURT OF APPEALS

Petition For Writ of Mandamus

Markus Odon McCormick

Name

P.O. Box 169

Address

Hoffman

N.C. 28349

City, State, Zip

RECEIVED

JUL 28 2026

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MAY 15 2026

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SUPREME COURT, U.S.

QUESTION PRESENTED

(1) Whether the decision of the three judge panel in the fourth circuit is in direct conflict with its own clearly established Rules of Court?

LIST OF PARTIES

Petitioner: MARKUS ODIN McLOAMICKS

Respondent: FOURTH CIRCUIT COURT OF APPEALS

RELATED CASES

8:23-CR-276-FL

24-4522

25-5373

OPINIONS

Appendix A: Judgment and Commitment order

JURISDICTION

Jurisdiction to grant the writ of mandamus to the court of appeals, sought by petition, is conferred on this court by the provisions of 28 U.S.C.A. § 1651 and Rule 20 of the Rules of this court and adequate relief can only be obtained in this court

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Court of Appeals Fourth Circuit Rule 12(c): "The court on its own motion or on motion of the parties may expedite an appeal for briefing and oral argument. Any motion to expedite should state clearly the reasons supporting expedition, the ability of the parties to present the appeal on the existing record, and the need for oral argument."

Sixth Amendment United States Constitution: states in relevant part: "In a criminal case the accused shall enjoy the right to speedy trial and appeal."

STATEMENT OF THE CASE

On 10-17-2023 Petitioner was arrested on a 4 count indictment by the Government. Petitioner elected to proceed pro se at first appearance. Petitioner immediately filed a motion for speedy trial and trial commenced on 5-17-24. The jury returned a verdict of not guilty on counts 1 & 2 and guilty on count 3 on 5-23-24. On 6-24-24 the government moved to voluntarily dismiss count 4, that was granted on 6-26-24. On 9-30-24 the court sentenced Petitioner to 120 months imprisonment for count 3. Notice of appeal was given in open court.

On appeal to the 4th Circuit Court of Appeals Petitioner moved to proceed pro se on appeal immediately, in which the court denied without prejudice to filing of a motion for leave to file a pro se supplemental brief accompanied by the proposed brief on 10-22-24. In November 2024 when Petitioner submitted his pro se supplemental brief raising 20 issues he also included with it another "motion to proceed pro se on appeal" in which the court deferred action by court order on 11-14-24.

Appellate Counsel Kearns Davis submitted his Appellant brief on 3-10-25 briefing 2 issues that were issues number 3 and 4 in the 20 issue pro se supplemental brief, even though Petitioner specifically asked him to brief Issue 1 which was the lead investigating officer and only witness to testify before the grand jury knowingly, testifying untruthful numerous times in violation of 18 U.S.C.A. § 1623.

On 4-10-25 the Government filed a motion to remand back to district court. The court granted the Government's motion to suspend briefing pending resolution of motion to remand on 4-10-25. Petitioner filed a motion opposing the government motion to remand and the court ordered briefing to parties.

On 11-13-25 the Government filed a second motion for extension to file brief in which appellate counsel opposed due to "Petitioner repeatedly expressing his desire to expedite this appeal." On 12-22-25 the Government filed its brief in addition with a Supplemental appendix. Appellate counsel filed reply brief in January 2026 and on 1-27-26 all the briefs were submitted to the court.

Petitioner made a motion to expedite in March 2026 that was sent to appellate counsel, whom didn't adopt it. This petition follows

REASONS FOR GRANTING PETITION

I. The decision of the 3 judge panel of the fourth circuit court of appeals in case file number 24-4532 is in direct conflict with its own clearly established rules of court.

(1) United States Court of Appeals for the Fourth Circuit Rule 12(c) states "The court on its own motion or on motion of the parties may expedite an appeal for briefing and oral argument. Any motion to expedite should state clearly the reasons supporting expedition, the ability of the parties to present the appeal on the existing record, and the need for oral argument."

(a) In the instant case Petitioner asserts from the start of the prosecution in district court he has expressed his desire to exercise his constitutional right to a speedy trial. This right was granted in district court. At sentencing on 9-30-24 Petitioner informed the court, "on appeal to the fourth circuit he wishes to proceed pro se as well," in which the court stated "that's up to the fourth circuit." Petitioner filed his pro se supplemental brief in November 2024 (before the sentencing day transcript had been delivered) where Petitioner raised 20 issues showing the fourth circuit he is more than competent enough to proceed pro se on appeal, and made numerous motion to proceed pro se on appeal under Rule 46(f) of the Fourth Circuit Court of appeals that the court all denied.

(b) Petitioner contends this wrongful unlawful prosecution is prohibiting him from being able to take advantage of all the classes and courses the state of N.C. is offering due to the detainer that has been lodged. Petitioner has made numerous motion to expedite appeal under Rule 12(c) that all goes to appellate counsel whom refuses to adopt them nor do anything in this appeal to help Petitioner which led Petitioner to file numerous motions to withdraw appellate counsel and proceed pro se on appeal that the Fourth Circuit denied.

In conclusion the Government in their "motion to remand" admitted that Petitioner's constitutional rights were violated during trial and offered as a remedy to give Petitioner another trial and even though Petitioner opposed the "motion to remand," the 3 judge panel is delaying and issuing its order

and the only remedy is to grant the petition for writ of mandamus and order the Fourth Circuit to issue its order. See "United States v. Johnson, 732 F.2d 379, 381 (4th Cir. 1984);
"6th Amendment to U.S. Constitution" And these "exceptional circumstances included above warrants the exercise of this court's discretionary powers because adequate relief cannot be obtained in any other form, nor from any other court.