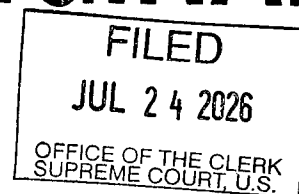


26-5523
DOCKET NO. _____

ORIGINAL



BEFORE THE UNITED STATES SUPREME COURT

IN RE JUAN CARLOS MARTINEZ CECIAS RODRIGUEZ,
Petitioner/Apellant/Plaintiff.

ON PETITION FOR CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Petition for Writ of Mandamus to the
United States District Court
for the Western District of Texas
USDC Nos. 5:21-CR-533-1, 5:25-CV-558

PETITION FOR CERTIORARI

Respectfully submitted,

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QUESTIONS PRESENTED FOR REVIEW

During trial opening statements, in response to prompting by the AUSA, the district court made an erroneous ruling in reference to a motion-in-limine that unhinged defense counsel. A few hours later in a sealed bench conference (sealed from Martinez and the jury) the AUSA and defense counsel collectively sought to pause trial to explore plea negotiations. This action was unknown to and unauthorized by Martinez. The court, to induce and assist defense counsel in coercing a plea from Martinez, offered "a sweetener" to defense counsel in violation of Fed. R. Crim. Proc. Rule 11(e). In response, the United States confessed that the court's practice of offering "sweeteners" to coerce pleas from defendants was a long standing practice and procedure of the court and well known to counsel who practice before the United States District Court in San Antonio, Texas. Martinez filed a motion to recuse based on this and other irregularities in the court's procedural conduct.

- I. The question for this Court is whether a trial court's long held practice of offering "sweeteners" to induce defense counsel to coerce their clients into pleading guilty meets the Liteky v. United States, 510 U.S. 540 (1994) "extrajudicial source" standard applied by this Court requiring recusal under 28 U.S.C. §455(a)?
- II. The question for this Court is whether a court's long held practice of offering "sweeteners" to induce defense counsel to coerce their clients into pleading guilty is structural error as explained in Tumey v. Ohio, 273 U.S. 510, 535 (1927) (no matter the evidence, there is the right to have

an impartial judge) and Arizona v. Fulminante, 499 U.S. 279, 306 (1991) (structural error "affect[s] the framework within which the trial proceeds," as distinguished from a lapse or flaw that is "simply an error in the trial process itself")?

III. The question for this Court is whether the court's supervisory power under McNabb v. United States, 318 U.S. 322, 340 (1943) ("Judicial supervision of the administration of criminal justice in the Federal Courts implies the duty of establishing and maintaining civilized standards of procedure and evidence.") is invoked to correct a trial court's long standing policy and practice of offering inducements or "sweeteners" to defense counsel in secret to coerce their clients to plead guilty?

LIST OF PARTIES

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TABLE OF CONTENTS

Questions Presented for Review	i
List of Parties	iii
Table of Contents	iv
Table of Authorities	v
Citations to Opinions Below	viii
Jurisdiction	viii
Constitution, Statutes, and Rules	ix
Statement of the Case	1
Argument	9
I. The trial court's long held practice of ignoring the Bail Reform Act and offering "sweeteners" to induce defense counsel to coerce their clients to plea guilty meets the <u>Liteky v. United States</u> , 510 U.S. 540 (1994) "extrajudicial source" standard applied by this Court required recusal under 28 U.S.C. §455(a) when considering the totality of the circumstances.	9
II. A trial court's long held practice of offering "sweeteners" to defense counsel to coerce their clients into pleading guilty is structural error as explained in <u>Tumey v. Ohio</u> , 273 U.S. 510, 535 (1927) (no matter what the evidence was against him, he had the right to have an impartial judge); and <u>Arizona v. Fulminante</u> , 499 U.S. 279, 306 (1991) (structural error "affect[s] the framework within which the trial proceeds," as distinguished from a lapse or flaw that is "simply an error in the trial process itself.").	15
III. The Court's supervisory power under <u>McNabb v. United States</u> , 318 U.S. 322, 340 (1943) ("Judicial supervision of the administration of criminal justice in the Federal Courts implies the duty of establishing and maintaining civilized standards of procedure and evidence.") is invoked to correct a trial court's long standing policy and practice of offering inducement or "sweeteners" to defense counsel in secret to coerce their clients into pleading guilty.	18
Prayer	24
Signature Block	24
End Notes	25
Verification	27

TABLE OF AUTHORITIES

United States Supreme Court

<u>Aetna Life Ins. v. Lavoie</u> , 475 U.S. 813, 822 (1986)	20
<u>Arizona v. Fulminante</u> , 499 U.S. 279, 306 (1991)	15, 16
<u>Bracy v. Gremky</u> , 520 U.S. 899, 904-05 (1997)	20
<u>Chaffin v. Stynchcombe</u> , 412 U.S. 17, 32-33 (1973)	13
<u>Communist Party v. Subversive Activities Control Board</u> , 351 U.S. 115, 124 (1976)	16
<u>Edwards v. Balisok</u> , 520 U.S. 641, 647 (1991)	20
<u>Elkins v. United States</u> , 364 U.S. 206, 217 (1956)	19
<u>Geders v. United States</u> , 425 U.S. 80, 96 (1976)	19
<u>Herring v. New York</u> , 422 U.S. 853 (1975)	19
<u>Honda Motor Co. v. Oberg</u> , 512 U.S. 415, 430 (1994)	15
<u>In re Murchison</u> , 349 U.S. 133, 136 (1955)	20
<u>Jencks v. United States</u> , 353 U.S. 657, 667-68 (1956)	24
<u>Liljeberg v. Health Serv. Acq. Co.</u> , 486 U.S. 847 (1988)	9, 11, 14
<u>Liteky v. United States</u> , 486 U.S. 847 (1988)	9, 11, 14, 21, 22, 23
<u>McCoy v. Louisiana</u> , 584 U.S. 414, 427 (2018)	16
<u>McKaskle v. Wiggins</u> , 465 U.S. 168, 179 n.8 (1984)	16
<u>McNabb v. United States</u> , 318 U.S. 322, 340 (1943)	18, 23, 24
<u>Mesarosh v. United States</u> , 352 U.S. 1 (1956)	17
<u>North Carolina v. Pearce</u> , 395 U.S. 711 (1969)	13
<u>Powell v. Alabama</u> , 287 U.S. 45 (1932)	19
<u>Rea v. United States</u> , 350 U.S. 214, 217 (1956)	19
<u>Rose v. Clark</u> , 478 U.S. 570, 587 (1986)	16
<u>Strickland v. Washington</u> , 466 U.S. 668 (1984)	17
<u>Taylor v. Hayes</u> , 418 U.S. 488, 501 (1974)	20

<u>Tumey v. Ohio</u> , 273 U.S. 510, 535 (1927)	15, 16
<u>United States v. Gonzalez-Lopez</u> , 548 U.S. 140, 150 (2006)	16
<u>United States v. Goodwin</u> , 457 U.S. 368, 372 (1983)	13
<u>United States v. Hastings</u> , 461 U.S. 499, 504-09 (1983)	18
<u>United States v. Payner</u> , 447 U.S. 727, 735-36 n.8 (1980)	19
<u>United States v. Williams</u> , 504 U.S. 36 (1992)	23, 24
<u>Waller v. Georgie</u> , 467 U.S. 39, 49-50 (1984)	16
<u>Withrow v. Larkin</u> , 421 U.S. 35, 47 (1975)	21

United States Courts of Appeals

<u>Bigby v. Dretke</u> , 402 F.3d 551, 560 (5th Cir. 2005)	21
<u>Davis v. Board of School Comm'rs of Mobile County</u> , 517 F.2d 1044, 1251 (CA5 1975)	10, 14
<u>Hall v. Small Business Admin.</u> , 695 F.2d 175, 179 (5th Cir. 1983)	11
<u>Heartland By-Products, Inc. v. United States</u> , 264 F.3d 1126 (Fed. Cir. 2001)	25
<u>United States v. Bierd</u> , 217 F.3d 15, 18 (1st Cir. 2000)	16
<u>United States v. Bradley</u> , 455 F.3d 453, 460 (4th Cir. 2006)	16

United States District Courts and Bankruptcy Court

<u>Alexandra Coca-Cola Bottling Co. v. Coca-Colam Co.</u> , 673 F.Supp 1220, 1223 (D. Del. Aug. 14, 1984)	25
<u>Coca-Cola Bottling Co. v. Coca-Cola, Co.</u> , 98 F.R.D. 254, 257 (D. Del. Apr. 12, 1983)	25
<u>Hogevoll v. City of L.A.</u> , 2008 U.S. Dist. LEXIS 130960, *2 (C.D. Calif. Feb. 25, 2008)	25
<u>In re Pacific Express</u> , 55 B.R. 913, 920 (E.D. Calif. Dec. 18, 1985)	25
<u>Pausell v. Cohen</u> , 2002 U.S. Dist. LEXIS 20386, *30 (D. Ore. May 22, 2002)	22

<u>Samuels v. Fox</u> , 1999 U.S. Dist. LEXIS 3857 (E.D. La. Mar. 25, 1999)	25
--	----

<u>United Sweetener, USA v. Nutrasweet</u> , 766 F.Supp 212 (D. Del. 1991)	25
---	----

Constitution, Statutes, Rules, Other

United States Constitution Sixth Amendment	12
--	----

18 U.S.C. §3143(b)	23
--------------------------	----

18 U.S.C. §3553	5, 6, 21
-----------------------	----------

28 U.S.C. §455(a)	9, 14, 15, 23
-------------------------	---------------

28 U.S.C. §2255	14
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Federal Rules of Criminal Procedure 11(c)(1)(C)	6, 16, 23
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American Heritage Dictionary p. 1749 (4th ed. 2000)	18
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CITATIONS TO OPINIONS BELOW

The Fifth Circuit, after a 96 day delay, in an unpublished order, denied, per curium, Martinez's Petition for Mandamus, arguing that a trial court's long held practice and procedure of providing inducements to defense counsel to coerce their clients into pleading guilty does not meet the "extrajudicial source" standard applied by this Court under 28 U.S.C. §455(a). Martinez cannot locate a citation for this unpublished order in the BOP legal data base. See Appendix 1.

The trial court's denial of Martinez's recusal motion does not appear in the BOP legal data base. See Appendix 2.

JURISDICTION

Martinez's Petition is filed within 90 days of the Fifth Circuit's denial of Martinez's timely filed Petition for Writ of Mandamus to the United States District Court for the Western District of Texas on May 28, 2026. U.S.D.C. Nos. 5:21-CR-533-1, 5:25-CV-558. See Appendix 1.

The jurisdiction of this Court is invoked under 28 U.S.C. §1254(1). The jurisdiction of the Fifth Circuit is invoked under 28 U.S.C. §1291. The jurisdiction of the trial court is invoked under the Sixth Amendment to the United States Constitution and under 28 U.S.C. §2255.

CONSTITUTION, STATUTES, AND RULES

United States Constitution Sixth Amendment:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and case of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have assistance of counsel for his defense.

18 U.S.C. §3143:

§3143. Release or detention of a defendant pending sentence or appeal

(a) Release or detention pending sentence.

(1) Except as provided in paragraph (2), the judicial officer shall order that a person who has been found guilty of an offense and who is awaiting imposition or execution of sentence, other than a person for whom the applicable guideline promulgated pursuant to 28 U.S.C. 994 does not recommend a term of imprisonment, be detained, unless the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released section 2142(b) or (c) [18 U.S.C. §3142(b) or (c)]. If the judicial officer makes such a finding, such judicial officer shall order the release of the person in accordance with section 3142(b) or (c) [18 U.S.C. §3142(b) or (c)].

(2) The judicial officer shall order that a person who has been found guilty of an offense in a case described in subparagraph (A), (B), or (C) of subsection (f)(1) of section 3142 [18 U.S.C. §3142] and is awaiting imposition or execution of sentence be detained unless --

(A) (i) the judicial officer finds there is a substantial likelihood that a motion for acquittal or new trial will be granted; or

(ii) an attorney for the Government has recommended that no sentence of imprisonment be imposed on the person; and

(B) the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to any other person or the community.

18 U.S.C. §3553 (in part):

§3553. Imposition of a sentence

(a) Factors to be considered in imposing a sentence. The court shall impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph (2) of this subsection. The court, in determining the particular sentence to be imposed, shall consider --

(1) the nature and circumstances of the offense and the history and characteristic of the defendant;

(2) the need for the sentence imposed --

(A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;

(B) to afford adequate deterrence to criminal conduct;

(C) to protect the public from further crimes of the defendant; and

(D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;

(3) the kinds of sentences available;

(4) the kinds of sentences and sentencing range established for --

(A) the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines --

(i) issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, subject to any amendments made to such guidelines by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued under section 994(p) of title 28); and

(ii) that, except as provided in section 3742(g) [18 U.S.C.S. §3742(g)], are in effect on the date the defendant is sentence; or

[]

(5) any pertinent policy statement --

(A) issued by the Sentencing Commission pursuant to section 994(a)(2) of title 28, United States Code, subject to any amendments made to such policy statement by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued under section 994(p) of title 28); and

(B) that, except as provided in section 3742(g) [18 U.S.C.S. §3742(g)], is in effect on the date of the defendant is sentence.[;]

(6) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and

(7) the need to provide restitution to any victims of the offense.

28 U.S.C. §455(a):

§455. Disqualification of justice, judge, or magistrate [magistrate judge]

(a) Any justice, judge or magistrate [magistrate judge] of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

28 U.S.C. §2255 (in part):

§2255. Federal Custody; remedies on motion attacking sentence

(a) A prisoner in custody under sentence of a court established by Act of Congress claiming the right to be released upon the ground that the sentence was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack, may move the court which imposed the sentence to vacate, set aside or correct the sentence.

Federal Rules of Criminal Procedure 11(c)(1)(C):

(c) Plea Agreement Procedure.

(1) In general. An attorney for the government and the defendant's attorney, or the defendant when proceeding pro se, may discuss and reach plea agreement. The court must not participate in these discussions. If the defendant pleads guilty or nolo contendere to either a charged offense or a lesser or related offense, the plea agreement may specify that an attorney for the government will:

[]

(C) agree that a specific sentence or sentencing range is the appropriate disposition of the case, or that a particular provision of the Sentencing Guidelines, or policy statement, or sentencing factor does or does not apply (such a recommendation or request binds the court once the court accepts the plea agreement).

STATEMENT OF THE CASE

Martinez proceeded to jury trial on a superseded indictment for wire fraud conspiracy. Martinez was originally charged with visa fraud involving EB5 and E2 visas based on information and assistance from lawyers. That original indictment was superseded. There is an inferred defense of reliance on advice of counsel. Pretrial the court issued a motion-in-limine regarding the United States' contention that it should be allowed to pierce the attorney-client privilege protection. Martinez's counsel, Mr. Bunch, during opening arguments, made a statement that the prosecution believed constituted to be an "opening the door" statement (no evidence was offered, rather solely a statement by counsel). The following occurred in the record:

MR. BUNCH: ... What you're going to hear in this case is that Juan Carlos wanted to grow. He wanted to expand. At first he wanted to raise money from friends and family. He was offering people the opportunity to invest and buy a portion of his business. And you're going to hear in this case that one of the people he pitched was an immigration attorney in Houston that Juan Carlos knew, a friend. And that attorney gave Juan Carlos the idea that he could set up a business partnership that would be attractive to foreign nationals who wanted to get a visa --

MS. NEWAZ: Your Honor, may we approach?

MR. BUNCH: -- and live in the United States.

THE COURT: Beg your pardon.

MS. NEWAZ: May we approach?

THE COURT: Yes.

(At the bench)

MS. NEWAZ: He just violated the motion-in-limine about talking about attorneys, that it was his attorney's fault. He literally was just saying the attorney came up with the whole thing. And that is literally what we expected.

Obviously, you granted that motion-in-limine. I know that there have been certain ruling [sic] trying to limit our ability to call attorneys, but I think he just opened the door with what he said.

THE COURT: Okay.

MR. BUNCH: This is simply the origin of the idea. I have not offered anything that would indicate privilege. This same information is reflected in the government's own

exhibits. It's the story that Juan Carlos has told repeatedly over and over again, that the original idea came from a friend.

MS. NEWAZ: And it's John Meyer. And this is John Meyer's attorney. And that is all in the evidence. And so that door's all opened to what John Meyer may have done, what John Meyer told him about this idea. I mean, he literally just did it. This is his attorney.

THE COURT: And it sounds --

MS. NEWAZ: We plan to call John Meyer later today.

MR. BUNCH: This is not a waiver of privilege in any respect.

THE COURT: Oh, I don't --

MR. BUNCH: It's simply the idea. He wasn't approaching him in a legal capacity. It was his friend. He offered the friend the chance to invest --

THE COURT: But you said he was a lawyer.

MR. BUNCH: But he offered the friend the opportunity --

THE COURT: You said he -- you said he --

MR. BUNCH: He is a lawyer. But he offered him the chance to invest in --

THE COURT: And you said specifically he was an immigration lawyer, which is central --

MR. BUNCH: He was Juan Carlos' immigration lawyer.

THE COURT: -- which is central to this case. So it's waived. It's open.

Doc. 334, p. 33:11 - 35:13 (Appendix 3)

This ruling by the court (incorrect as to the use of privilege as a "sword and shield") unhinged defense counsel Patrick and Bunch. See Declaration of Tom Zabel and Catherine Zabel. (Appendix 4 & 5, respectively) The unmaning of defense counsel, Messrs Patrick and Bunch, by the court's privilege ruling was foretold earlier in the week. At the July 10, 2023 pretrial hearing, the following relevant colloquy appears (see Appendix 6):

MR. PATRICK: So Ms. Giese has been a part of our trial team since the very beginning. Actually, before Mr. Bunch was involved, Ms. Giese was. One of the witnesses identified by the government in this case is a lawyer for Jackson Walker who is at the same firm as Ms. Giese.

[]

But since that time and as late as yesterday afternoon, yesterday morning, actually, late morning, Jackson Walker began to take the position that there could be a conflict and Ms. Giese cannot be part of our trial team.

That final decision has not been made. I think we are nearing that. However, she's been a key part of the team. She is our Spanish speaker. We have 54 witnesses identified by the government that we have split up four ways, which yesterday morning now we're in the position of -- the rest of us have to pick up the slack on those witnesses. And that leads me into the next issue, which is another lawyer that the government spoke to yesterday: Wilka Toppins.

THE COURT: Who is it?

MR. PATRICK: Wilka, W-I-L-K-A; Toppins, T-O-P-P-I-N-S.

THE COURT: Okay.

MR. PATRICK: Ms. Toppins was on the witness list. Again, the government has maintained to us that the lawyers were on the witness list in the event privilege was waived.

Now, Ms. Toppins is in a unique position where, of the 120 licensees, the entities involved and our client, she has at some point in time represented probably a dozen or more, if not dozens, of them. We put her on the filter team list, along with Mr. Triantaphyllis, in January and February of '22, and the government has confirmed that, any communications from Ms. Toppins, because our client maintains there is an attorney-client relationship.

Yesterday -- we have only received the agent's notes, and we received those notes at 6:30 last night. The government interviewed Ms. Toppins, and Ms. Toppins maintained there is no attorney-client relationship with our client, and she spoke about communications with our client. It is not Ms. Toppins' privilege to waive or to make that decision on.

In addition, if we are -- we are in a position -- there are -- I don't want to overstate it -- potentially thousands of emails in that taint file, most of them in Spanish, where we are not in a position at all to be able to either cross-examine appropriately Ms. Toppins. Our effectiveness will be questioned if we go forward with Ms. Toppins, with the statement we have and her position now.

Doc. 384, p. 5:5 - 8:17 (emphasis added)

The court's ruling, by counsel's own admission, made counsel ineffective -- after they had billed Martinez \$1.6 million for legal work.

With this background and in this context, the AUSA and counsel approached the bench for a sealed bench conference around lunch time on the first day of trial. (See Appendix 7) In the plea discussions between counsel and the court, during the sealed bench conference, the court stated, for the purposes of inducing a plea:

THE COURT: Okay. Well, nobody can predict. But, you know, if we've got a 60/40 chance of getting this resolved and not having to spend three more weeks, great. If it's not that much chance, then we might as well go on. But it's too soon for you all to say that. But that's just --

[]

MR. BUNCH: I don't -- we're not asking this if I didn't think there was a productive path.

THE COURT: Okay. Well, let me -- and y'all may know this just from yak-yak among lawyers. But my self-surrender is for people who accept responsibility. So that's the little sweetener that I can put out there. [emphasis added]

MR. BUNCH: Meaning if we were to go to trial and get convicted, you'd take him into custody?

THE COURT: Now, I don't have any control over immigration.

MR. PATRICK: We understand. That's part of the complicating factor, that they [United States] potentially need to talk to their bosses about.

THE COURT: Right. But my general rule is, you accept responsibility, you get to walk out of the door and get your affairs in order and so forth. [emphasis added]

MR. BUNCH: And is that through sentencing and maybe 30 days?

THE COURT: Yeah. But, again, subject to immigration.

Appendix 7, pages 5-6.

It is in this context that the court's "sweetener" inducement was inserted into the plea process. (See Appendix 7)

In the United States' Response to Martinez's §2255 (in which the trial court's participation in the plea process is raised) the AUSA writes:

The Court was well aware that both Patrick and Bunch do not typically practice in San Antonio, Texas, as Patrick is based out of Houston, Texas, and Bunch is based out of Dallas, Texas. Because these lawyers were unfamiliar with the Court's typical view regarding defendants who accept responsibility versus those who do not as it relates to self-surrender after conviction, the following discussion occurred. [referencing Appendix 7]
United States' Response at page 15 (Appendix 8).

In breathtaking fashion, the United States Attorney describes a biased judge's participation in the plea process as merely a nonchalant two-step around the United States Constitution's prohibition against a biased judge. This apparently well known practice and improper practice (well known

in San Antonio, if Ms. Newaz's explanation is to be accorded credit) of ignoring the Bail Reform Act and the court's participation in the plea process (an inherent bias), the long held practice of the court to offer "sweeteners" to induce counsel's solicitation of plea agreements, is disturbing.

The taint and bias debouches through the case documents. The trial court in the July 13, 2023 change of plea hearing (Appendix 9) (Doc. 324, p. 13:21-24) states: "there is a factual basis to support a plea if one is entered, and there is an arm's length plea agreement containing a written and now-orally-confirmed waiver of constitutional rights." This statement, by the court, after the court participated in the plea process, expressly offering counsel a "sweetener" in secret to induce counsel's solicitation of Martinez's guilty plea, is further evidence of bias.

Continuing apace at Doc. 324, p.20 (Appendix 9) the court pronounces his sentence parameters and determination to third parties prior to a P.S.R. even being drafted. It reads:

But I can assure you that Mr. Martinez has indeed pled guilty and accepted responsibility for what he has done to you all and, implicitly, to his family because he will go to prison. He will lose his -- in all likelihood he will lose his legal status in the United States.... He will be ordered to pay restitution to you all and other victims....

Wire fraud does not require prison and the need for prison must be made after the 18 U.S.C. §3553 analysis.

Lest the veracity of the allegations of the court bias and irregularity be challenged, the court's disputation post-sentencing explains in its "Order Regarding Sentencing and Judgment", on June 3, 2024 (made available just prior to

Martinez's filings) (see Appendix 10), while using language that evidences the court's predetermined desire to achieve a particular outcome. It reads in relevant part (full document at Appendix 10, attached):

If the seeds of compassion, planted in the fertile soil of the human spirit take root, the seedlings of empathy can grow and evolve to bear the fruit of restitution, healing, peace and justice for the victims of Defendant's crimes.

Following the example of Charles Ponzi [this case is not a Ponzi scheme -- nor is there any evidence to support such a claim], it does not appear the milk of human kindness flowed through Defendant's veins during the six years....

Accordingly, the trial court sentences Juan Carlos Martinez Cecias Rodriguez to the maximum allowed under the plea agreement, to 90 months in federal prison, though the court's sense of righteous indignation would prefer the statutory maximum of 20 years. Though Defendant succumbed to the seduction and siren song of greed, the court resists the temptation to invoke Dante Alighieri, for which Mr. Martinez should be eternally grateful.... Defendant will serve three years of non-reporting supervised release after he is deported [there has been no hearing or ruling on his immigration status]....

The Court does have a trickle of kindness milk....
(Appendix 10)

Martinez would note that the 18 U.S.C. §3553 analysis required to be performed by the court, even in Rule 11(c)(1)(C) pleas (when deciding to accept or reject a plea deal -- here a plea deal the court participated in) does not include analysis (in context) of "seeds of compassion", "fertile soil", "human spirit", "fruit of restitution", "milk of human kindness", "siren songs", "Dante", or "trickles of kindness milk". A thorough review of the available case law does not place any of these apparently controlling discretionary findings by the court into any of the 18 U.S.C. §3553 factors (e.g. "the need for the sentence imposed -- (A) to reflect the nature and circumstances of the offense; (B) to afford adequate deterrence to criminal conduct; ..." etc.)

Further, when the sentencing transcript (in relevant part) is examined, there is a colloquy that is troubling and irrelevant. For example, the court references cases unrelated to this and even cases the court read about in news sources but not offered in evidence by counsel or the AUSA. (Here, the court takes on itself an executive branch prosecutorial role of investigation and supposition.) They include: "Judge Sparks Case" (Doc. 307, p.166); "Attorney General Morales" (Doc. 307, p.167); "Tim Duncan" (Doc. 307, p.167-68); "Mr. Banks" (Doc. 307, p.168); "Mr. Panjwani" (Doc. 307, p.169); "Mr. Mire" (Doc. 307, p.170). All these references have one aspect in common -- they do not have one iota to do with this case. Not only is the court far afield of the sentencing paradigm, the court is not even in the same "fertile soil". (See Appendix 12, Doc. 307, p.165-74)

Next, since the time of sentencing, repeatedly, Martinez has been denied both "Notice" and "Opportunity to be heard" in almost all post-trial motions. Martinez has complained repeatedly of the trial court's immediate rulings on the United States' filings, prior to service on Martinez of the filings and prior to Martinez's opportunity to be heard. See Doc. 394 "Opposed Motion of the United States' Judgment on the Pleadings" dated 8-14-2025; Doc. 398 "Notice of Non-Receipt"; Doc. 403 "Pro Se' Motion to Delay Rulings and Motion for Enlargement of Time to Respond to Filings"; Doc. 404 "Order Granting 394 Motion for Judgment on the Pleadings" dated 9-9-2025 [despite no notice and opportunity to be heard as to Martinez]; Doc. 405 "Pro Se' Motion for Enlargement of Time to Respond to 394"; Doc. 406 "Pro Se' Motion for Preliminary Injunction"; Doc. 407 "Order Denying Motion for

Preliminary Injunction"; Doc. 409 "Motion for Entry of Final Judgment of Foreclosure (9-23-2025)"; Doc. 410 "Order Granting 409 (9-24-2025)"; Doc. 411 "Order Granting 337 Motion for Foreclosure of Lien"; Doc. 412 "Motion to Appoint Receiver for Sale of (Real) Property (10-8-2025)"; Doc. 413 "Motion Petition to Foreclose Lien (Personal Property) (10-8-2025)"; Doc. 418 "Order Granting Motion to Appoint Receiver 419 (10-8-2025)"; Doc. 419 "Order Appointing Receiver for Sale of Real Property in Harris County (10-8-2025)"; Doc. 421 "Response to Doc. 394 (10-14-2025)"; Doc. 433 "Motion Requesting Extension and Notice of Non-Delivery (11-14-2025)"; Doc. 439 "Motion Regarding Missing Mail (12-8-2025)"; Doc. 441 "Amended Motion for Leave to File Amended Petition to Foreclose Personal Property (12-15-2025)"; Doc. 442 "Order Granting 441 (12-15-2025)"; Doc. 453 "Advisory to Court"; Doc. 454 "Objections to Denial of Due Process (12-16-2025)"; Doc. 456 "Response by USA to 454 (12-29-2025)"; Doc. 457 "Order Overruling Objections 454 (12-30-2026)"; Doc. 459 "Motion to Recuse (1-5-2026)"; Doc. 462 "Order Denying 459 (1-9-2026). See Docket Sheet attached (Appendix 11).

The trial court summarily denied Martinez's Motion to Recuse (see Appendix 2) and the Fifth Circuit denied mandamus writing:

Martinez Cecias Rodriguez's contentions of bias related to rulings by the district court do not reflect antagonism or opinions based on extrajudicial sources.... Similarly, his assertions that the judge predetermined his sentence or was involved in the plea negotiations do not demonstrate bias and impartiality that are personal -- as distinguished from judicial in nature.
(emphasis added) See Appendix 1.

This petition for certiorari is filed within 90 days of the Fifth Circuit's denial of mandamus.

ARGUMENT

I. The trial court's long held practice of ignoring the Bail Reform Act and offering "sweeteners" to induce defense counsel to coerce their clients to plea guilty meets the Liteky v. United States, 510 U.S. 540 (1994) "extrajudicial source" standard applied by this Court requiring recusal under 28 U.S.C. §455(a) when considering the totality of the circumstances.

Title 28 U.S.C. §455(a) reads:

(a) Any justice, judge, or magistrate of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

This Court explains in Liteky that:

[S]ubsection (a) [of §455], the provision at issue here, was an entirely new "catchall" recusal provision, covering both "internal or relationship" and "bias or prejudice" grounds, see Liljeberg v. Health Services Acquisition Corp., 486 U.S. 847, 100 L.Ed.2d 855, 108 S.Ct. 2194 (1988) -- but requiring them all to be evaluated on an objective basis, so that what matters is not the reality of bias or prejudice but its appearance. Quite simply and quite universally, recusal was required whenever "impartiality might reasonably be questioned."

(emphasis added) Liteky, 510 U.S. at 458.

Here, the question arises whether a court's long standing practice and procedure of secretly offering defense counsel "sweeteners" to coerce their clients into pleading guilty meets §455(a)'s "impartiality might reasonably be questioned" standard?

The Fifth Circuit opines in the negative because, in its application of this Court's Liteky "extrajudicial source" doctrine, it concludes that the court's gross irregularities "do not demonstrate bias and impartiality that are personal -- as distinguished from judicial -- in nature." (See Appendix 1)

This completely misreads this Court's Liteky analysis. In particular part this Court instructs:

It seems to us that the origin of the "extrajudicial source" doctrine, and the key to understanding its flexible scope (or the so-called "exceptions" to it), is simply the pejorative connotation of the words "bias or prejudice." Not all unfavorable disposition towards an individual (or his case) is properly described by those terms. One would not say, for example, that world opinion is biased or prejudiced against Adolf Hitler. The words connote a favorable or unfavorable disposition or opinion that is somehow wrongful or inappropriate, either because it is undeserved, or because it rests upon knowledge that the subject ought not to possess (for example, a criminal juror who has been biased or prejudiced by receipt of inadmissible evidence concerning the defendant's prior criminal activities), or because it is excessive in degree (for example, a criminal juror who is so inflamed by properly admitted evidence of a defendant's prior criminal activities that he will vote guilty regardless of the facts). The "extrajudicial source" doctrine is one application of this perjorative requirement to the terms "bias" and "prejudice" as they are used in §§144 and 455(b)(1) with specific reference to the work of judges.
[Liteky, 510 U.S. at 550]

[]

It is wrong in theory, though it may not be too far off the mark as a practical matter, to suggest, as many opinions have, that "extrajudicial source" is the only basis for establishing disqualifying bias or prejudice. It is the only common basis, but not the exclusive one, since it is not the exclusive reason a predisposition can also deserve to be characterized as "bias" or "prejudice" because, even though it springs from the facts adduced or the events occurring at trial, it is so extreme as to display clear inability to render fair judgment. (That explains what some courts have called the "pervasive bias" exception to the "extrajudicial source" doctrine. See, e.g. Davis v. Board of School Comm'rs of Mobile County, 517 F.2d 1044, 1051 (CA5 1975), cert. denied, 425 U.S. 944, 48 L.Ed.2d 188, 96 S.Ct. 1685 (1976).)
[Id. at 551]

No objective analysis would conclude that a court offering sweeteners or incentives to defense counsel to coerce their client to plead guilty was not an infringement of the right to counsel guaranteed by the Sixth Amendment. This is necessarily one of the exceptions to be included in the "predisposition context", supra.

Thus instructed, the question for the Fifth Circuit was,

from the totality of the court's conduct, whether the court's "predisposition" or "bias" came from facts adduced at trial or rulings particular to this particular case and/or long held practices and procedures, that in and of themselves eo ipso are untoward.

For example, under the Fifth Circuit analysis, in this case below, Liteky would not require recusal of a judge who systematically struck blacks or Hispanics from juries, as part of a long standing practice, because these were simply judicial rulings of the court. This conduct flies in the face of Liljeberg, 486 U.S. at 860 ("The goal of Section 455(a) is to avoid even the appearance of partiality." Citing Hall v. Small Business Administration, 695 F.2d 175, 179 (5th Cir. 1983)).

A court who offers "sweeteners" to counsel to induce counsel to coerce their clients into pleading guilty, a long standing court practice as confessed by the AUSA, does not pass the smell test. The odium of "bias" or "predisposition" against Martinez is not based on any facts learned by the court in the case, but rather a long standing predisposition against defendants exercising their constitutional rights to a jury trial. ("Y'all may know this just from yak-yak among lawyers. But my self-surrender is for people who accept responsibility. So that's the little sweetener that I can put out there.") (emphasis added) (See Appendix 7, p. 5-6)

This is hand in glove with this Court's Liteky analysis. The Court writes: "The words ["bias" or "prejudice"] connote a favorable or unfavorable disposition or opinion that is somehow wrongful or inappropriate, either because it is undeserved, or

.. ..

because it rests upon knowledge that the subject ought not to possess...." 510 U.S. at 550 (emphasis added) (the long standing prejudice against defendants, and Martinez in particular, exercising their Sixth Amendment rights). There are no circumstances where a court should offer "sweeteners" to defense counsel to induce their clients to plead guilty. There are no constitutionally permissible practices where a court, secretly, conspires with the AUSA and defense counsel to deny a defendant his Sixth Amendment right to unconflicted counsel (by inducing a plea). There are no statutory parameters that allow the court, as part of a long standing practice and procedure, to simply ignore the mandatory application of the Bail Reform Act and, in so doing, thwart the defendant's constitutional right to trial by jury. And finally, there are no justifications in a court's secret participation (sealed bench conference) in the plea process -- by offering "sweeteners" to induce counsel to coerce his client to plead guilty (jury was not present at the time of this particular sealed bench conference). The extent that defense counsel's torrid conduct to induce a guilty plea was procured based on the court's participation -- is shocking. See affidavit of Tom Zabel (Appendix 4). These are all Sixth Amendment violations.

In short, the court, as a long standing pattern and practice, imposes a trial penalty on defendants who exercise their right to a jury trial and ignores, as a matter of policy, the Bail Reform Act. Both are untoward. Courts cannot impose a trial penalty.

This court teaches "while an individual certainly may be

penalized for violating the law, he just as certainly may not be punished for exercising a protected statutory or constitutional right." United States v. Goodwin, 457 U.S. 368, 372, 102 S.Ct. 2485, 73 L.Ed.2d 74 (1983). In North Carolina v. Pearce, 395 U.S. 711, 89 S.Ct. 2072, 23 L.Ed.2d 656 (1969) the Court addressed vindictive sentencing after a successful attack on a conviction. This Court also applied the Pearce framework to decisions by prosecutors in pretrial settings related to defendant's invocation of his trial rights. The Court explained that while Pearce guards against the risk that "the State might be retaliating against the accused" for exercising his constitutional rights, under the "'give-and-take' of plea bargaining, there is no ... element of punishment or retaliation so long as the accused is free to accept or reject the prosecution's offer." Id. at 363 (emphasis added). Here, of course, the court's offer of incentives to counsel as a "sweetener" to induce Martinez to plead guilty was never disclosed to Martinez pre-sentencing.

As the Court explained in Chaffin v. Stynchcombe, 412 U.S. 17, 32-33, 36 L.Ed.2d 714, 93 S.Ct. 1977 (1973) for a agent of the state to pursue a course of action whose objective is to penalize a person's reliance on his legal rights (here Sixth Amendment right to trial by jury and counsel un-coopted by the court) is "patently unconstitutional." This is so whether the agent of the state appears in the guise of a prosecutor or in black robes.

And where, as here, this long standing pattern and practice of the court to inject itself into plea negotiations and to offer

"sweeteners" to counsel to induce their client's guilty pleas requires recusal because the court's ideation and conduct could never pass constitutional muster.

Mandamus was appropriate here because the 28 U.S.C. §2255 paradigm does not provide an adequate remedy by appeal. As Justice Kennedy explains in Liteky, 510 U.S. at 562-63 (concurring) discussing a §2255 example: "A judge may find it difficult to put aside views formed during some earlier proceeding [here a long standing policy and practice of offering "sweeteners" to induce guilty pleas]. In that instance we would expect the judge to heed the judicial oath and step down, but that does not always occur. If through obduracy, honest mistake, or simple inability to attain self-knowledge the judge fails to acknowledge a disqualifying predisposition or circumstance, an appellate court must order recusal no matter what the source. As I noted above, the central inquiry under §455(a) is the appearance of partiality, not its place of origin." (emphasis added)

And while Justice Kennedy's concurrence urges a broader visage than the court adopted in Liteky, this Court need not open the door so broadly, rather what is sought here is clarification that long held judicial patterns and practices themselves can evidence prejudice/bias/predisposition or one of those rare exceptions noted in Liteky and Davis, supra; and which fit so snugly into Liljeberg's appearance of impropriety under §455(a); requiring recusal. Here, the long held practice of offering "sweeteners" to defense counsel to induce their clients to plead guilty is an exception and appearance of "predisposition" that

the constitution does not tolerate.

The case should be clarified, the long standing inducement practice excised, and remanded for the Fifth Circuit to reconsider in light of this Court's clarification that long held improper legal practices and procedures evidencing predisposition can be considered under 28 U.S.C. §455(a) analysis.

II. A trial court's long held practice of offering "sweeteners" to defense counsel to coerce their clients into pleading guilty is structural error as explained in Tumey v. Ohio, 273 U.S. 510, 535 (1927) (no matter what the evidence was against him, he had the right to have an impartial judge); and Arizona v. Fulminante, 499 U.S. 279, 306 (1991) (structural error "affect[s] the framework within which the trial proceeds," as distinguished from a lapse or flaw that is "simply an error in the trial process itself.")

The Court in Tumey v. Ohio, 273 U.S. 510, 71 L.Ed. 749, 47 S.Ct. 437 (1927) discusses the irregularities that arise when the court has financial incentives in the outcome of a case. In Honda Motor Co. v. Oberg, 512 U.S. 415, 430, 129 L.Ed.2d 336, 114, S.Ct. 2331 (1994) the Court writes "there are a handful of cases in which a party has been deprived of liberty or property without the safeguards of common-law procedure." (citing Tumey v. Ohio, 273 U.S. 510 (1927)) In Arizona v. Fulminante, 499 U.S. 279, 294, 111 S.Ct. 1246, 113 L.Ed.2d 302 (1991) the Court, in explaining structural error, notes Tumey as an example of structural error that occurs where a court has a financial interest in the outcome of the case.

As this Court notes: "The search for truth is indeed central to our system of justice, but 'certain constitutional rights are

not, and should not be, subject to harmless-error analysis because those rights protect important values that are unrelated to the truth-seeking function of the trial.'" Fulminante, 499 U.S. at 295 (citing Rose v. Clark, 478 U.S. 570, 587, 92 L.Ed.2d 460, 106 S.Ct. 3101 (1986) (Stevens, J. concurring in judgment)).

It is now well established that structural error is affixed to the coattails of certain fundamental constitutional rights. And these rights, being violated, require no harmless-error analysis. McKaskle v. Wiggins, 465 U.S. 168, 177 n.8, 104 S.Ct. 944, 79 L.Ed.2d 122 (1984). In McCoy v. Louisiana, 584 U.S. 414, 427 (2018) the Court lists choice of counsel as structural (United States v. Gonzalez-Lopez, 548 U.S. 140, 150 (2006)); public trial as structural (Waller v. Georgie, 467 U.S. 39, 49-50 (1984)) among others.

In Tumey the Court found that the trial court's financial interest in the outcome untenable. Equally true is a trial court's open interference in the advice of counsel and/or the offer of incentives to counsel to coerce a plea from their client. These actions were sought to be excluded under Rule 11's prohibitions. Fed. R. Crim. P. 11(c)(1)^{EN1}. Judicial participation in the plea negotiation process "carries with it the high and unacceptable risk of coercing a defendant to accept the proposed agreement." United States v. Bierd, 217 F.3d 15, 18 (1st Cir. 2000). Additionally, the ban on judicial participation set forth in Rule 11 "preserves the judge's impartiality both during and after plea negotiations." United States v. Bradley, 455 F.3d 453, 460 (4th Cir. 2006) (internal quotation marks and citations omitted).

Here, however, rather than financial incentives, the court, through a long pattern and practice, turned the entire plea process upside down by offering incentives to counsel to use to coerce a plea from a client already in trial -- to cover up counsel's Strickland v. Washington^{EN2} violation. A court, however well-meaning, under these circumstances, has violated 28 U.S.C. §455(a); and a conviction obtained through such a process is so abhorrent to the American system of justice that it cannot stand. The process is perverted. A conflict is manifest. The "conviction is tainted, and there can be no other just result than to accord petitioners a new trial." Mesarosh v. United States, 352 U.S. 1, 77 S.Ct. 1, 1 L.Ed.2d 1 (1956)^{EN3} ("The untainted administration of justice is certainly one of the most cherished aspects of our institutions. Its observance is one of our proudest boasts.") This Court is charged with supervisory functions in relation to proceedings in the federal court. See McNabb v. United States, 318 U.S. 332, 87 L.Ed. 819 (1943). Therefore, fastidious regard for the honor of the administration of justice requires the Court to make certain that the dispensing of justice be made so clear and cogently manifest that only irrational or perverse claims of its disregard can be asserted." Communist Party v. Subversive Activities Control Board, 351 U.S. 115, 124, 100 L.Ed. 1003, 76 S.Ct. 663 (1976).

As this Court teaches, structural error protects against abuses of the process, not the outcome. Courts subverting Sixth Amendment guarantees by offering "sweeteners" to counsel to coerce their clients into pleading guilty is one such structural error.

III. The Court's supervisory power under McNabb v. United States, 318 U.S. 322, 340 (1943) ("Judicial supervision of the administration of criminal justice in the Federal Courts implies the duty of establishing and maintaining civilized standards of procedure and evidence.") is invoked to correct a trial court's long standing policy and practice of offering inducements or "sweeteners" to defense counsel in secret to coerce their clients into pleading guilty.

Judges and sweeteners. The American Heritage Dictionary p. 1749 (4th ed. 2000) defines sweeteners as: "something that sweetens. Informal, something added as a further inducement or incentive." It is clear from the text of the sealed bench conference (Appendix 7) that the court was using the term "sweetener" in the informal sense as a "further inducement or incentive" in the plea context.

The term "sweetener" appears 21 times in the federal reporters (LEXIS Nexis District Courts reporter 19 times) (LEXIS Nexus Courts of Appeal reporter 2 times) in the history of the United States.^{EN4} In these 21 times, none are proffered by a court. The term is either used in the title of a product, name of a company or organization, description of a product, or as an inducement involving evidence such as stock related matters. The term "sweetener", as defined in American Heritage Dictionary is consistent with the 21 times it appears in the LEXIS Nexus reporter.

In United States v. Hasting, 461 U.S. 499, 504-09, 76 L.Ed.2d 96, 103 S.Ct. 1974 (1983) the Court writes:

"Guided by considerations of justice," McNabb v. United States, 318 U.S. 332, 341[, 87 L.Ed. 819, 63 S.Ct. 668]

(1943), and in the exercise of supervisory powers, federal courts may, within limits, formulate procedural rules not specifically required by the Constitution or the Congress. The purpose underlying use of supervisory powers are threefold: to implement a remedy for violation of recognized rights, McNabb, supra, at 340; Rea v. United States, 350 U.S. 214, 217[, 100 L.Ed. 233, 76 S.Ct. 292] (1956); to preserve judicial integrity by ensuring that a conviction rests on appropriate considerations validly before the jury, McNabb, supra [318 U.S.] at 345; Elkins v. United States, 364 U.S. 206, 222[, 4 L.Ed.2d 1669, 80 S.Ct. 1437] (1960), as a remedy designed to deter illegal conduct, United States v. Payner, 447 U.S. 727, 735-736 n.8[, 65 L.Ed.2d 468, 100 S.Ct. 2439] (1980)

The Court using its supervisory powers in Geders v. United States, 425 U.S. 80, 96 S.Ct. 1330, 47 L.Ed.2d 592 (1976); Herring v. New York, 422 U.S. 853, 95 S.Ct. 2550, 45 L.Ed.2d 593 (1975); and Powell v. Alabama, 287 U.S. 45, 77 L.Ed. 158, 53 S.Ct. 55 (1932) corrected judicial action taken before or during trial that prevented counsel from being fully effective. These supportive pillars are squarely in line with action in this case. The trial court's offer of a "sweetener" to induce counsel to coerce their client to plead guilty follows the three pillars above. For example, in Geders the court's sequester order, applied to the defendant, precluding him from speaking with his counsel "impinged upon his right to the assistance of counsel" guaranteed by the Sixth Amendment. Geders, 425 U.S. at 91. In Herring the court's denial of counsel's opportunity to give closing arguments or summation was an impingement upon the right to assistance of counsel guaranteed by the Sixth Amendment. See Herring (generally). In Powell the court was required to appoint counsel and to afford counsel sufficient time to prepare for trial (to the extent defendant could not obtain their own counsel). Powell, 287 U.S. at 73.

Here the court's demolition of the attorney-client relationship by offering sweeteners to defense counsel to use to coerce their client into a guilty plea requires this Court's supervision, prohibition, and correction.

With this background the following teachings of this Court can be overlayed for clarity. Defendants under the American judicial system have a right to a fair trial. This right is vindicated, in part, by a judicial officer presiding impartially over the trial. Bracy v. Gremky, 520 U.S. 899, 904-05, 117 S.Ct. 1793, 138 L.Ed.2d 97 (1997). "[M]ost questions concerning a judge's qualifications to hear a case are not constitutional ones, because the Due Process Clause of the Fourteenth Amendment establishes a constitutional floor, not a uniform standard." Id. at 904. The appearance of bias (or predisposition) also disqualifies a judge. Taylor v. Hayes, 418 U.S. 488, 501, 94 S.Ct. 2697, 41 L.Ed.2d 897 (1974). "A criminal defendant tried by a partial judge is entitled to have his conviction set aside, no matter how strong the evidence against him." Edwards v. Balisok, 520 U.S. 641, 647, 117 S.Ct. 1584, 137 L.Ed.2d 906 (1991) (citations omitted).

This Court "acknowledge[s]" that bias is difficult to define because "what degree or kind of interest [that would be] sufficient to disqualify a judge from sitting 'cannot be defined with precision.'" Aetna Life Ins. v. Lavoie, 475 U.S. 813, 822, 106 S.Ct. 1580, 89 L.Ed.2d 823 (1986) (quoting In re Murchison, 349 U.S. 133, 136, 75 S.Ct. 623, 99 L.Ed. 942(1955)). The same conclusion applies equally to the court's predisposition evidenced by actions or statements. In relevant part, this Court

has recognized two kinds of judicial bias: actual and presumptive bias. See, e.g. Withrow v. Larkin, 421 U.S. 35, 47, 95 S.Ct. 1456, 43 L.Ed.2d 712 (1975) ("[V]arious situations have been identified in which experience teaches that the probability of actual bias on the part of the judge or decision maker is too high to be constitutionally tolerable."); Bigby v. Dretke, 402 F.3d 551, 560 (5th Cir. 2005) (evaluating a judicial bias claim and noting that because there was no presumption of bias from the defendant's attack on the judge, it was necessary to "examine the record for indications of actual bias on the part of the judge.") (emphasis added) (hence the Appendix).

With these undergirders and ballistra we examine the record in light of Liteky. The trial court offers "sweeteners" to induce counsel to, in effect, browbeat his client into accepting a plea; the court announces sentencing factors and sentencing prior to a P.S.R.; the court issues findings that the plea agreement was an arms length transaction -- even though the court participated in the plea negotiations; the court considers unrelated (factually and legally) cases for sentencing purposes; the court considers news articles unrelated (factually and legally) to the case for sentencing purposes; the court denies the most basic due process post-trial -- notice and right to be heard -- to Martinez. The court fails to apply the 18 U.S.C. §3553 factors to sentencing and instead uses fantastical factors never identified in a single case in United States history. Factors certainly never acknowledged or countenanced by this Court. These factors include: "seeds of compassion", "fertile soil", "human spirit", "fruit of

restitution", "milk of human kindness", "siren songs", "Dante", and "trickles of kindness milk". (See Appendix 7, Appendix 8 at p.15, Appendix 9 (Doc. 324 p. 20), Appendix 10). How does one quantify "seeds of compassion" juxtaposed to "fertile soil" or weighed against "human spirit", "fruit of restitution"; or equipoised with "milk of human kindness", "siren songs", or "Dante"? Does "Dante" get a historical enhancement for religious or historical purposes? What weight to creativity and irrelevance? An analysis becomes farcical, a poor perspective for a United States District Court.

Because these transgressions are all in the form of court rulings, no matter how ludicrous and forlorn, no matter the disrepute that is caused to the federal bench, the Fifth Circuit finds that because the conduct is couched in the form of orders or rulings, it is beyond reproach under Liteky. This was not the intent of Liteky, and as Justice Kennedy notes in his concurring opinion, "[i]f through obduracy, honest mistake, or simple inability to attain self-knowlege the judge fails to acknowledge a disqualifying predisposition or circumstances, an appellate court must order recusal no matter what the source." Liteky, 510 U.S. at 563 (emphasis added).

We know instinctively this is correct. Let's suppose the court's statement in Appendix 7 read:

Well, let me -- and y'all may know this just from yak-yak among lawyers. But my self-surrender is for [white] people....
(emphasis and alterations added)

Could anyone doubt that the court would be recused regardless of whether the offending statement was in the context of a ruling?

Or suppose Appendix 7 read:

Well, let me -- and y'all may know this from yak-yak among lawyers. But my self-surrender is for people [who make donations to my favorite charity]....
(alterations added)

Again, no doubt that the court would be recused regardless of whether the offending statement was in an order, ruling, memorandum, or pronounced in a "secret bench conference".

Here we have three separate statutes and rules at play. First, 28 U.S.C. §455(a) ("[A]ny justice, judge, or magistrate of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.") (emphasis added). Second, Fed. R. Crim. P. Rule 11(c)(1) ("In general. An attorney for the government and the defendant's attorney, or the defendant when proceeding pro se, may discuss and reach a plea agreement. The court must not participate in these discussions....") (emphasis added). Third, the Bail Reform Act, 18 U.S.C. §3143(b) ("provides that the court must detain pending appeal and that there is a presumption against bail pending appeal"). Collectively, these three cannot be harmonized where a court uses self-surrender as an arbitrary inducement to coerce guilty pleas. There is no "fast and loose" discretion to secure pleas from defendants.

Whether and to what extent a more delimited standard under Liteky needs to be elucidated by this Court is independent of the need under McNabb. In United States v. Williams, 504 U.S. 36, 118 L.Ed.2d 352, 112 S.Ct. 1734 (1992) the Court explained that the Court of Appeals exceeded its authority by imposing a rule under which a prosecutor must present to a grand jury substantial

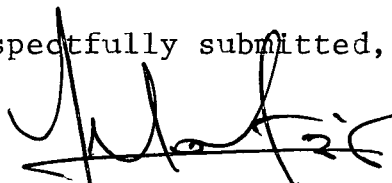
exculpatory evidence in the prosecution's possession. In Williams the Court explains that courts have authority to control their procedures. See, e.g. Jencks v. United States, 353 U.S. 657, 667-68 1 L.Ed.23 1103, 77 S.Ct. 1007 (1957); McNabb v. United States, supra.

Here, given the totality of the circumstances, the Fifth Circuit's abdication of its responsibility to review the record in context and content, whether in the trial court's orders or rulings or otherwise, rather than by applying a routine application of "extrajudicial" doctrine misapplies Liteky, requires this Court's supervision and correction and/or remand with instructions.

PRAYER

FOR THESE REASONS, Martinez prays for certiorari, full briefing and consideration by the Court. Martinez further requests other and additional relief to which he may be entitled, whether in equity or in law.

Respectfully submitted,



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Pro se'

END NOTES

EN1) Fed. R. Crim. P. Rule 11(c)(1): "In general. An attorney for the government and the defendant's attorney, or the defendant when proceeding pro se', may discuss and reach a plea agreement. The court must not partake in these discussions...." (emphasis added)

EN2) 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984)

EN3) "The decision herein passes only on the integrity of a criminal trial in federal courts. It does not determine the guilt or innocence of the petitioners...." Id. 352 at 3.

EN4) See Hogevoll v. City of L.A., 2008 U.S. Dist. LEXIS 130960, *2 (C.D. Calif. Feb. 25, 2008) ("... powdery substance was an artificial sweetener called 'Stevia'...") (emphasis added); Paulsell v. Cohen, 2002 U.S. Dist. LEXIS 20386, *30 (D. Ore. May 22, 2002) ("... you have negotiated a sweetener for 500,000 warrants for Ready Cash...") (discussing a particular piece of evidence) (emphasis added); In re Pacific Express, 55 B.R. 913, 920 (E.D. Calif. Dec. 18, 1985) ("Defendants argue that the stock was an 'equity sweetener'..."); United Sweetener, U.S.A. v. Nutrasweet Company, 766 F.Supp. 212 (D. Del. 1991); Alexandra Coca-Cola Bottling Co. v. Coca-Cola Co., 637 F.Supp. 1220, 1223 (D. Del. Aug. 14, 1984) ("... cost savings if a lower cost sweetener was substituted for sugar.") (emphasis added); Coca-Cola Bottling Co. v. Coca-Cola Co., 98 F.R.D. 254, 275 (D. Del. Apr. 12, 1953) ("... a less expensive sweetener, fructose, ...") (emphasis added); Heartland By-Products, Inc. v. United States, 264 F.3d 1126 (Fed. Cir. 2001) ("amicus curiae Sweetener Users Association") (emphasis added); Samuels v. Fox, 1999 U.S. Dist.

LEXIS 3857 (E.D. La. Mar. 25, 1999) ("Ironite Products Co., and GAS Sweetener Associates, Inc."). All remaining cases in which the term 'sweetener' appears it is either a title of a product, company, reference to sugar or artificial "sweetener" or offered in evidentiary terms.

VERIFICATION

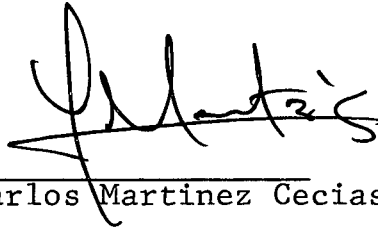
I hereby verify that the factual allegations in the PETITION FOR CERTIORARI, to which this is attached, are with my personal knowledge and are true and correct to the best of my knowledge and belief.

I additionally verify that each item attached in the appendices are true and correct copies of transcripts, declarations, orders, filings, and documents reflected in the record.

I make this verification under penalties of perjury and pursuant to 28 U.S.C. §1746.

7-24th-20

Date



Juan Carlos Martinez Cecias Rodriguez