

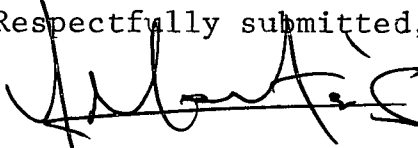
DOCKET NO. _____

BEFORE THE UNITED STATES SUPREME COURT

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

APPENDIX

Respectfully submitted,



Juan Carlos Martinez Cecias Rodriguez
Fed. Reg. No. 77247-509
FCI-Beaumont-Low
P.O. Box 26020
Beaumont, Texas 77720
Pro se'

APPENDIX 1

Fifth Circuit Court of Appeals Order
No 26-50132, Per Curium, Unpublished
Filed May 28, 2026



Certified as a true copy and issued
as the mandate on May 28, 2026

Attest: Lyle W. Cayce
Clerk, U.S. Court of Appeals, Fifth Circuit

United States Court of Appeals for the Fifth Circuit

No. 26-50132

United States Court of Appeals
Fifth Circuit

FILED

May 28, 2026

Lyle W. Cayce
Clerk

IN RE JUAN CARLOS MARTINEZ CECIAS RODRIGUEZ,

Petitioner.

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

UNPUBLISHED ORDER

Before SOUTHWICK, DUNCAN, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:

Juan Carlos Martinez Cecias Rodriguez, federal prisoner # 77247-509, has filed in this court a pro se petition for a writ of mandamus. Martinez Cecias Rodriguez was convicted of conspiracy to commit wire fraud and is serving a sentence of 90 months in prison; he was also ordered to pay restitution. His pro se 28 U.S.C. § 2255 motion remains pending in the district court and the Government is pursuing various garnishment and foreclosure proceedings to satisfy the restitution order.

In January 2026, Martinez Cecias Rodriguez filed a motion to recuse the district court judge pursuant to 28 U.S.C. § 455(a). He contended that during a bench conference to determine the status of plea negotiations, the judge admitted to regularly participating in the plea negotiation process by

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offering defendants a “sweetener” of self-surrender to induce them to plead guilty. In its June 2024 “Order Regarding Sentencing and Judgment,” the district court granted self-surrender and imposed the 90-month sentence agreed to under the plea agreement, despite expressing a personal preference for a higher sentence; Martinez Cecias Rodriguez asserted that the elaborate language used in this order was unnecessary. He further complained that the district court had ruled on motions in the forfeiture proceedings without providing him with adequate notice or an opportunity to respond. The district court denied the motion.

Martinez Cecias Rodriguez now asks this court to order the district court judge’s recusal due to bias. He repeats his contentions regarding the district court’s participation in the plea negotiations, the unnecessary language in the sentencing order, and the rulings on motions in the forfeiture proceedings without providing notice and an opportunity to respond. He also alleges that the judge predetermined the case by advising witnesses that Martinez Cecias Rodriguez would serve prison time after he entered his plea, even though a prison term was not mandatory and a presentence report had not yet been prepared, and that the judge put on a “show for the audience” at sentencing by discussing unrelated and irrelevant fraud cases. He argues that because the judge will be a material witness in his § 2255 proceedings regarding participation in the plea negotiations and coercion, the judge cannot rule in that action.

“Mandamus is an extraordinary remedy that should be granted only in the clearest and most compelling cases.” *In re Willy*, 831 F.2d 545, 549 (5th Cir. 1987). A party seeking mandamus relief must show both that he has no other adequate means to obtain the requested relief and that he has a “clear and indisputable” right to the writ. *Id.* (internal quotation marks and citation omitted).

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A party may seek review of a disqualification ruling by way of a mandamus petition. *In re Chevron U.S.A., Inc.*, 121 F.3d 163, 165 (5th Cir. 1997); *In re Corrugated Container Antitrust Litig. Steering Comm. v. Mead Corp.*, 614 F.2d 958, 961 n.4 (5th Cir. 1980). Nevertheless, mandamus relief is an “extraordinary remedy” justified only by “exceptional circumstances.” *In re Corrugated Container*, 614 F.2d at 961-62 (internal quotation marks and citation omitted). “[T]he writ will not issue to correct a duty that is to any degree debatable: the trial court must be acting beyond its jurisdiction or in a fashion about which discretion is denied it.” *United States v. Denson*, 603 F.2d 1143, 1147 n.2 (5th Cir. 1979) (en banc). Recusal for bias is governed by 28 U.S.C. § 144 and § 455. *United States v. Scroggins*, 485 F.3d 824, 829 & n.19 (5th Cir. 2007). Bias warranting disqualification must be personal, rather than judicial. *Id.* at 830. Adverse rulings on motions ordinarily do not warrant disqualification for bias; they must “reveal an opinion based on an extrajudicial source” or “demonstrate such a high degree of antagonism as to make fair judgment impossible.” *Id.*

Martinez Cecias Rodriguez’s contentions of bias related to rulings by the district court judge do not reflect antagonism or opinions based on extrajudicial sources. *See id.* 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.” *Id.* As for the complaints about the judge’s language, complaints about a court’s administrative handling of the case are meritless, as such matters are well within the district court’s discretion. *See Macklin v. City of New Orleans*, 293 F.3d 237, 240 (5th Cir. 2002); *see also Scroggins*, 485 F.3d at 830 (requiring a showing of a “high degree of antagonism” making “fair judgment impossible”).

The petition for a writ of mandamus is DENIED. The motion to stay the district court proceedings is likewise DENIED. We express no opinion

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on the merits of Martinez Cecias Rodriguez's § 2255 claims or on the court's rulings in the forfeiture proceedings.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

May 28, 2026

Mr. Philip Devlin
Western District of Texas, San Antonio
United States District Court
262 W. Nueva Street
Suite G65
San Antonio, TX 78207

No. 26-50132 In re: Juan Cecias Rodriguez
 USDC No. 5:25-CV-558
 USDC No. 5:21-CR-533-1

Dear Mr. Devlin,

Enclosed is a copy of the judgment issued as the mandate.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Casey A. Sullivan, Deputy Clerk
504-310-7642

cc w/encl:

Mr. Juan Carlos Martinez Cecias Rodriguez

APPENDIX 2

United States District Court Order
No. SA:21-CR-00533(1)-FB, Unpublished
January 9, 2026

January 09, 2026

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

BY: JH
DEPUTY

USA

vs.

(1) Juan Carlos Martinez Cecias Rodriguez

§
§
§
§
§

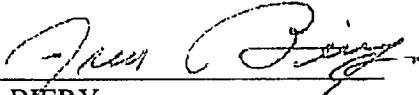
CRIMINAL NO:

SA:21-CR-00533(1)-FB

ORDER

Before the Court is Defendant's Pro Se Motion to Recuse (docket number 459). After careful consideration the Court finds this Motion is DENIED.

IT IS SO ORDERED this 9th day of January, 2026.


FRED BIERY
UNITED STATES DISTRICT JUDGE

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