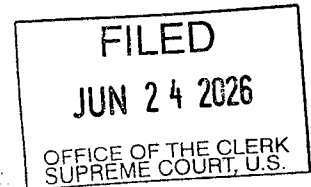


CASE NUMBER

26-5638

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



IRAN DEWAYNE KETCHUP—PETITIONER

VS.

UNITED STATES OF AMERICA—RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO
ELEVENTH CIRCUIT U.S. COURT OF APPEALS

PETITION FOR WRIT OF CERTIORARI

IRAN DEWAYNE KETCHUP

REGISTER NUMBER: 82262-020

FEDERAL CORRECTIONAL INSTITUTION LOMPOC II (LOW-SECURITY)

3901 KLEIN BLVD.

LOMPOC, CALIFORNIA 93436

QUESTIONS PRESENTED

- 1) Was the Eleventh Circuit U.S. Court of Appeals required to recall its mandate in United States v. Ketchup, Case No. 96-8096, 107 F.3d 27 (11th Cir. 1997) (Before Anderson, Birch, and Ed Carnes) when it was alerted that the Criminal Judgment that it affirmed had a "clerical error" in it, which listed the wrong crime, for which Ketchup had not been charged, indicted or convicted of such crime?
- 2) Was the Eleventh Circuit U.S. Court of Appeals required to provide relief, according to its own Circuit precedent of United States v. Massey, 443 F.3d 814 (11th Cir. 2006) and United States v. Starr, 717 Fed. Appx. 918 (11th Cir. 2017), when Ketchup request that such court recall its mandate and remand to the United States District Court for the Middle District of Georgia to allow the Criminal Judgment to be corrected?
- 3) Was the Eleventh Circuit U.S. Court of Appeals required to provide relief, according to the U.S. Supreme Court's decisions in both: a) United States v. Daugherty, 269 U.S. 360, 3363-64 (1926), where this Court stated:

Sentences in criminal cases should reveal with fair certainty the intent of the court and exclude any serious misapprehensions by those who must execute them.... This and similar unfortunate causes should admonish the trial courts to require the use of meticulously precise language in all judgment entries. Especial care is essential where sentence for crimes are imposed;

- b) American Trucking Ass'ns v. Frisco Transp. Co., 358 U.S. 133, 145 (1958), where this Court stated:

It is axiomatic that courts have the power and duty to correct judgments which contain clerical errors or judgments which have issued due to inadvertance or mistake.

- 4) Did the Eleventh Circuit U.S. Court of Appeals create a Circuit split by not adhering to this Court's decision in United States v. Daugherty, 269 U.S. 360, 363 (1926)?

LIST OF PARTIES

A list of all parties to the proceeding in the court whose judgment is the subject of this petition is provided below. If a party is a corporation with a stock ticker symbol, that symbol is also included.

IRAN KETCHUP

UNITED STATES OF AMERICA

RELATED CASES

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

RELATED CASES

United States v. Ketchup, United States District Court for the Middle District of Georgia, Case No. 4:94-cr-00025-GRE, Judgment issued January 9, 1996.

United States v. Ketchup, United States Court of Appeals for the Eleventh Circuit, Case No. 96-8096

Ketchup, v. Birkholz, United States District Court for the Central District of California, Reported at 2022 U.S. Dist. LEXIS 104563 and 108634

CASES

TABLE OF AUTHORITIES CITED

<u>American Trucking Ass'ns v. Frisco Transp. Co.</u> , 358 U.S. 133 (1958).....	10, 11
<u>Bonner v. City of Prichard</u> , 661 F.2d 1206 (11th Cir. 1981).....	10
<u>Calderon v. Thompson</u> , 523 U.S. 538 (1997).....	8
<u>CSX Transp. v. Gen. Mills, Inc.</u> , 846 F.3d 1333 (11th Cir. 2017).....	9
<u>Gonzalez v. Sec'y for Dept. of Corr.</u> , 366 F.3d 1253 (11th Cir. 2004).....	8
<u>Hewitt v. United States</u> , 145 S.Ct. 2165 (2025).....	12, 13
<u>Ketchup v. Birkholz</u> , 2022 U.S. Dist. LEXIS 104563 (C.D. Ca. 2022).....	6
<u>Ketchup v. United States</u> , 145 S. Ct. 1327 (2025).....	5
<u>Ketchup v. Warden</u> , 2018 U.S. App. LEXIS 33528 (11th Cir 2018).....	4
<u>Moragne v. States Marine Lines, Inc.</u> , 398 U.S. 375 (1970).....	10
<u>Santos v. Smith</u> , 406 F.2d 1243 (5th Cir. 1969).....	9, 10
<u>Scott v. Singletary</u> , 38 F.3d 1547 (11th Cir. 1994).....	8
<u>United States v. Cole</u> , 241 Fed. Appx. 216 (5th Cir. 2007).....	11
<u>United States v. Daugherty</u> , 269 U.S. 360 (1926).....	9, 10, 11
<u>United States v. Diaz</u> , 190 F.3d 1247 (11th Cir. 1999).....	9
<u>United States v. Ketchup</u> , 22-12269 (11th Cir. 2022).....	4
<u>United States v. Ketchup</u> , 2022 U.S. Dist. LEXIS 106290 (M.D. Ga. 2022).....	4
<u>United States v. Ketchup</u> , 107 F.3d 27 (11th Cir. 1997)(Case No. 96-8096)....	5, 7, 8
<u>United States v. Massey</u> , 443 F.3d 814 (11th Cir. 2006)....	7, 9, 10, 11, 12, 13
<u>United States v. Meester</u> , 762 F.3d 867 (11th Cir. 1985).....	9
<u>United States v. Rivera</u> , 812 Fed. Appx. 962 (11th Cir. 2020).....	9
<u>United States v. Starr</u> , 717 Fed. Appx. 918 (11th Cir. 2017).....	7, 9, 10
<u>United States v. Thompson</u> , 254 Fed. Appx. 278 (5th Cir. 2007).....	11
<u>Wisniewsky v. United States</u> , 353 U.S. 901 (1957).....	10

RULES

<u>Federal Rules of Appellate Procedure, Rule 41</u>	8
<u>Federal Rules of Civil Procedure, Rule 60</u>	8, 12

<u>11th Cir. R. 41-1</u>	8
--------------------------------	---

STATUTES

<u>18 U.S.C. § 922(g)</u>	4
<u>18 U.S.C. § 924(c)</u>	4, 7, 13
<u>18 U.S.C. § 1951</u>	4
<u>28 U.S.C. § 1254(1)</u>	2
<u>28 U.S.C. § 2241</u>	5, 12
<u>28 U.S.C. § 2255</u>	4

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.....	3
STATEMENT OF THE CASE.....	4
REASONS FOR GRANTING THE WRIT.....	7
CONCLUSION.....	13

INDEX TO APPENDICES

APPENDIX A	Order of the Eleventh Circuit U.S. Court of Appeals dated 1/30/26
APPENDIX B	Order of the Eleventh Circuit U.S. Court of Appeals dated 4/6/26

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

The opinion of the United States court of appeals appears at Appendix A & B to the petition and has been designated for publication but is not yet reported.

The opinion of the United States district court is NOT in any Appendix because the Petitioner filed for relief in the United States court of appeals.

JURISDICTION

The date on which the United States Court of Appeals decided my case was on January 30, 2026

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: April 6, 2026, and a copy of the order denying rehearing appears at Appendix B.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

STATEMENT OF THE CASE

Iran Dewayne Ketchup ("Ketchup") is a Federal Prisoner, currently incarcerated at Federal Correctional Institution Lompoc II (Low-Security) Lompoc, California. Ketchup's incarceration is the result of a conviction in the mid-1990s in the United States District Court for the Middle District of Georgia, following a jury trial. Ketchup was found guilty of Three (3) Counts of Hobbs Act Robbery in violation of 18 U.S.C. § 1951 (Counts 1, 3, 6), Three (3) Counts of Use of a Firearm During a Crime of Violence in violation of 18 U.S.C. § 924(c) (Counts 2, 4, 7); and One Count of Possession of AMMUNITION by a Convicted Felon in violation of 18 U.S.C. § 922(g) (Count 5). On January 9, 1996, Ketchup was sentenced to 135-months for Count 1; 135-months for Count 3, to run concurrently with Count 1, 120-months for Count 5, run concurrently with Counts 1 and 3, 135-months for Count 6 to run concurrently with Counts 1, 3, 5; 60-months for Count 2, to be served consecutively with Counts 1, 3, 5, and 6; 240-months for Count 4, to be served consecutively with Counts 1, 2, 3, 4, 5, and 6, ^{240-months for Count 7, to be served consecutively with Counts 1, 2, 3, 4, 5, and 6,} The total sentence of imprisonment was 675-months. The judgment was affirmed by the Eleventh Circuit on direct appeal in January 1997 (Case No. 96-8096). Ketchup filed a motion under 28 U.S.C. § 2255 in the U.S. District Court for the Middle District of Georgia alleging various claims. See history of litigation, Ketchup v. Birkholz, 2022 U.S. Dist LEXIS 104563 (C.D. Ca. 2022); Ketchup v. Warden, 2018 U.S. App. LEXIS 33528 (11th Cir. 2018) (No. 17-15792-E). Subsequently, Ketchup filed a series of motions, briefs and petitions in several federal courts, placing within them the fact that a "clerical error" had been made in his Judgment of Conviction (J&C), due to the sentencing court in 1996, incorrectly stating that Ketchup had been convicted of "Possession of a FIREARM by a Convicted Felon," rather than "Possession of AMMUNITION by a Convicted Felon." SEE United States v. Ketchup, Case No. 4:94-cr-00025-CDL (Docket Entry 19); United States v. Ketchup, 2022 U.S. Dist. LEXIS 106290 (M.D. Ga. 2022); United States v. Ketchup, 22-12269 (11th Cir. 2022) (Initial Brief, Reply Brief, Brief for Rehearing/Rehearing En Banc, Motion

to Disqualify AUSA Schieber); Ketchup v. United States, No. 246438 (SCOTUS) (Petition for Writ of Certiorari), 145 S.Ct. 1327 (Mar. 3, 2025); Ketchup v. Birkholz, Case No. CV-21-09936 (28 U.S.C. § 2241 Petition, Opposition), 2022 U.S. Dist. LEXIS 104563 and 108634.

On direct appeal, while in the Eleventh Circuit Court of Appeals on Case No. 96-8096, Ketchup was represented by court-appointed Trial/Appellate Counsel, Robert L. Wadkins, Sr. . The record in that case shows that Mr. Wadkins filed a motion in the Eleventh Circuit seeking to be relieved of his duty to prosecute Ketchup's direct appeal. Mr. Wadkins stated that he believed that the issue of "ineffective assistance of counsel needed to be raised" and Mr. Wadkins alerted that Court that it would be "impossible" for him to prosecute Ketchup's direct appeal. Mr. Wadkins had a responsibility, as "attorney of record" to review the Criminal Judgment , in which Ketchup had been sentenced to a total of 675-months imprisonment; before he prepared and filed an direct appeal in the Eleventh Circuit, in behalf of Ketchup. Mr. Wadkins failed to alert the sentencing court or the Eleventh Circuit that the Criminal Judgment had a crime listed in it, that Ketchup had not been charged with, nor indicted or convicted of such crime: "Possession of a FIREARM by a Convicted Felon (Count 5)." The Eleventh Circuit did not relieve Mr. Wadkins of his responsibilities of prosecuting Ketchup's direct appeal, and denied his Motion to be relieved of such duties.

Ketchup did not have knowledge of the "clerical error" in his Criminal Judgment during his direct appeal, nor during his protracted \$2255 proceedings. Ketchup only came to know and understand that there was a "clerical error" in his Criminal Judgment, after 2020, during the COVID-19 pandemic, through one of his numerous Case managers, while incarcerated in United States Penitentiary Atlanta. Ketchup had already served and completed the sentence for the "wrong crime" when he discovered the clerical error in his Criminal Judgment. Ketchup was transferred to United States Penitentiary Lompoc in 2021, and thereafter pursued to correct the error

through

through the Federal Bureau of Prisons Administrative remedy Program, and through filing a petition for writ of habeas corpus in the Central District of California, in Ketchup v. Birkholz, Case No. CV-21-09936. That Court disagreed with Ketchup about whether it had jurisdiction to hear the matter, and whether Ketchup could obtain relief in its court, concerning the "clerical error" in the Criminal Judgment. See ("Emergency Motion to Recall the Mandate in Case No. 96-8096," pgs. 6-7. Such Motion was denied, and Ketchup ask the Eleventh Circuit to rehear the matter, by ~~reopening~~ the entire court. That Motion was also denied on April 6, 2026. This present petition followed the Eleventh Circuit's decision.)

REASONS FOR GRANTING THE PETITION

~~Ketchup was sentenced~~ to 120-months imprisonment for "Possession of a FIREARM by a Convicted Felon," based upon the Criminal Judgment (J&C) entered in the United States District Court for the Middle District of Georgia, on January 9, 1996, as part of a total sentence of 675-months imprisonments

Ketchup was not indicted, charged, nor convicted in the United States District Court for the Middle District of Georgia, for "Possession of a FIREARM by a Convicted Felon."

Ketchup's sentence of 120-months imprisonment for "Possession of a FIREARM by a Convicted Felon," was based upon a "clerical error," that was made in the Criminal Judgment by the sentencing court. According to Federal Bureau of Prisons records, Ketchup completed such sentence for "Possession of a FIREARM by a Convicted Felon," on February 10, 2004, excluding Good Conduct Time credits from the Federal Bureau of Prisons. Ketchup's subsequent sentences for 18 U.S.C. § 924(c), consisting of a total of 540-months was not suppose to consecutively start until Ketchup completed his sentence of 120-months for the crime of "Possession of AMMUNITION by a Convicted Felon," which never occurred.

On January 31, 1997, the Eleventh Circuit U.S. Court of Appeals affirmed the sentence of Ketchup by the United States District Court for the Middle District of Georgia. United States v. Ketchup, 107 F.3d 27 (11th Cir. 1997) (Before Anderson, Birch, and Ed Carnes).

Ketchup filed a "Emergency Motion to Recall the Mandate of Case No. 96-8096," requesting the Eleventh Circuit U.S. Court of Appeals to recall the mandate and remand to the United States District Court for the Middle District of Georgia, to allow the Criminal Judgment to be corrected, pursuant to the Eleventh Circuit precedent of United States v. Massey, 443 F.3d 814 (11th Cir. 2006); and United States v. Starr, 717 Fed. Appx. 918 (11th Cir. 2017). On January 30, 2026 (29-years later) the original panel in Case No. 96-8096, denied Ketchup's "Emergency Motion

to Recall the Mandate in Case No. 96-8096," in a one-sentence Order ("Appellant's motion to recall the mandate is DENIED."). Ketchup filed a "Petition for Rehearing En Banc," which was denied on April 6, 2026.

- 1) The Eleventh Circuit U.S. Court of Appeals was required to recall its mandate in United States v. Ketchup, Case No. 96-8096, 107 F.3d 27 (11th Cir. 1997) to "prevent injustice."

Federal Rules of Appellate Procedure, Rule 41(b) and 11th Cir. R. 41-1, Stay or Recall of Mandate, allows a mandate that was issued by the Eleventh Circuit to be recalled. 11th Cir. R. 41-1. Federal Rules permit recall of a mandate when necessary to "prevent injustice." Scott v. Singletary, 38 F.3d 1547, 1551 (11th Cir. 1994). This Court allowed for the recall of a mandate in a federal criminal case, by stating in Calderon v. Thompson, 523 U.S. 538, 557 (1997):

We should be clear about the circumstances we address in this case. We deal not with the recall of a mandate to correct mere clerical errors in the judgment itself, similar to those described in Federal Rules of Criminal Procedure 36 or Federal Rules of Civil Procedure 60(a). The state can have little interest, based on reliance or other grounds, in preserving a mandate not in accordance with the actual decision rendered by the court.

Even the Eleventh Circuit stated itself, in Gonzalez v. Sec'y for Dept. of Corrections, 366 F.3d 1253 (11th Cir. 2004) Corr., 366 F.3d 1253:

One circumstance is where the final judgment is recalled or reopened to correct clerical errors in the judgment itself. As the Supreme Court explained, "the State can have little interest, based on reliance or other grounds, in preserving a mandate not in accordance with the actual decision rendered by the court." Id. at 557, 118 S. Ct. at 1501. The same is true, of course, when a judgment is reopened under Rule 60(a) to correct a mere clerical mistake. So there is that exception.

As this Court and the Eleventh Circuit has identified, and applies to the present situation: The United States "can have little interest, based on reliance or other grounds, in preserving" the mandate in Case No. 96-8096, which is not in accordance with the actual decision rendered by the United States District Court for the Middle District of Georgia, the trial jury and indictment rendered by the [REDACTED] grand jury in Case No. 4:94-cr-00025-1 (M.D. Ga)

- 2) The Eleventh Circuit U.S. Court of Appeals was required to provide relief,

according to its own Circuit precedents, when Ketchup requested such court to recall its mandate and remand to the United States District Court for the Middle District of Georgia, to allow the Criminal Judgment to be corrected.

The Eleventh Circuit has been specific about adhering to prior precedent, in its circuit. "Even under the earliest precedent rule, the Eleventh Circuit stated: "[w]hen we have conflicting [precedent], we follow our oldest precedent." CSX Transp., v. Gen. Mills, Inc., 846 F.3d 1333, 1338 (11th Cir. 2017).

In United States v. Massey, the Eleventh Circuit stated: "it is fundamental error for a court to enter a judgment of conviction against a defendant who has not been charged, tried or found guilty of the crime recited in the [judgment]." Id. at 443 F.3d 814, 822 (11th Cir. 2006). See also, United States v. Starr, 717 Fed. Appx. 918 (11th Cir. 2017).

The Eleventh Circuit's view on criminal judgments predates Massey. In United States v. Meester, 762 F.3d 867, 885 (11th Cir. 1985), the Eleventh Circuit stated:

A Sentence "should reflect with fair certainty the intent of the court and exclude any serious misapprehensions by those who must execute them....Santos v. Smith, 406 F.2d 1243, 1246 (5th Cir. 1969)(quoting United States v. Daugherty, 269 U.S. 360, 363 (1926).

The Eleventh Circuit stated in United States v. Diaz, 190 F.3d 1247, 1254 (11th Cir. 1999):

Because the judgment reflects the incorrect offense, however, which we regard as simply a clerical error, we vacate the judgment and remand to the district court so that a judgment may be entered in accordance with the indictment and the jury verdict] (emphasis added).

In a recent case, the Eleventh Circuit still maintained that Daugherty was still binding Supreme Court precedent, and stated:

A criminal sentence "should reveal with fair certainty, the intent of the court and exclude any serious misapprehensions by those who must execute them." United States v. Daugherty, 269 U.S. 360, 363 (1926)

Id., United States v. Rivera, 812 Fed. Appx. 962 (11th Cir. 2020).

When Ketchup was before the Eleventh Circuit, the earliest-precedent rule required later panels and the district courts to follow United States v. Meester, 762 F.2d 867, 885 (11th Cir. 1985). The Eleventh Circuit, in United States v. Meester,
9.
followed

followed the logic and reasoning of Santos v. Smith, supra, which followed the U.S. Supreme Court's logic of United States v. Daugherty, supra. As the Eleventh Circuit has recognized in Bonner v. City of Prichard, 661 F.2d 1206, 1209 (11th Cir. 1981), "stability and predictability are essential factors in the proper operation of the rule of law." Bonner adopted as binding precedent, all decisions of the former Fifth Circuit handed down prior to October 1, 1981. Santos v. Smith was a decision from the former Fifth Circuit. In Moragne v. States Marine Lines, Inc., 398 U.S. 375 (1970), this Court stated the reason for following past decisions, which Ketchup adopted as a rationale to request the Eleventh Circuit to recall its mandate:

Among these are the desirability that the law furnish a clear guide for the conduct of individuals, to enable them to plan their affairs with assurance against untoward surprise, the importance of furthering fair and expeditious adjudication by eliminating the need to relitigate every relevant proposition in every case; and the necessity of maintaining public faith in the judiciary as a source of impersonal and reasoned judgments.

Ketchup believed that his request for en banc review ⁱⁿ the Eleventh Circuit was designed for cases like this. And the rule of orderliness operates in its shadow. Ketchup believed that precedential value to panel decisions would cause the Eleventh Circuit to correct errors by the en banc Eleventh Circuit. Wisniewsky v. United States, 353 U.S. 901, 902 (1957) ("[D]esirable judicial administration commends consistency at least in the more or less contemporaneous decisions of different panels of a Court of Appeals.... It is primarily the task of a Court of Appeals to reconcile its internal difficulties.")

Because the panel's decision in Case No. 96-8096 conflicts directly with Massey, Supra, and Starr, as identified in Ketchup's Emergency Motion to Recall the Mandate in Case No. 96-8096, when dealing with "clerical errors in Criminal Judgments," the panels' decision ^{not} to recall the mandate and deny rehearing, or a poll for rehearing en banc; such decisions introduced conflict in the Eleventh Circuit precedent.

- 3) United States v. Daugherty; 269 U.S. 360, 363-64 (1926) binds the Eleventh Circuit Court Appeals in matters that deal with Criminal Judgments and clerical errors, and is supported by this Court's decision in American Trucking Ass'n's

v. Frisco Transp. Co., 358 U.S. 133, 145 (1958).

In simple terms, the Eleventh Circuit is bound by this Court's decision in United States v. Daugherty, 269 U.S. 360, 364 (1926), where this Court stated:

Sentences in criminal cases should reveal with fair certainty the intent of the court and exclude any serious misapprehensions by those who must execute them....This and similar unfortunate causes should admonish the trial courts to require the use of meticulously precise language in all judgment entries. Especial care is essential where sentence for crimes are imposed.

Additionally, the Eleventh Circuit is bound by this Court's decision in American Trucking Ass'ns v. Frisco Transp. Co., 358 U.S. 133, 145 (1958), where this Court stated:

It is axiomatic that courts have the power and duty to correct judgments which contain clerical errors or judgments which have issued due to inadvertence or mistake.

The Eleventh Circuit should have provided Ketchup with relief, by recalling its mandate and ordering the U.S. District Court for the Middle District of Georgia to correct its judgment that was entered in Ketchup's criminal case.

- 4) The Eleventh Circuit U.S. Court of Appeals created a circuit split regarding correcting criminal judgments, due to "clerical mistakes or errors," and this Court can resolve such split by its prior precedent.

In Ketchup's case, the Eleventh Circuit, by not following its own precedent in United States v. Massey, 443 F.3d 814, 822 (11th Cir. 2006), created a circuit split with the Fifth Circuit U.S. Court of Appeals, in United States v. Cole, 241 Fed. Appx. 216, 217-18 (5th Cir. 2007), where that court stated:

The Government concedes error and proposes that the judgment be reformed to reflect a single 240-month sentence on Count 98, 125 months to run consecutively to the sentences imposed on the remaining counts. "Criminal sentences must reveal with fair certainty the intent of the court to exclude any serious misapprehensions by those who must execute them." quoting United States v. Daugherty, 269 U.S. 360, 363... (1926)) Sentences which are ambiguous or unclear "must be vacated and remanded for clarification in 'the interest of judicial economy and fairness to all concerned parties.'"

Additionally, in United States v. Thompson, 254 Fed. Appx. 278 (5th Cir. 2007), the Fifth Circuit stated:

Given the conflict between the written judgment and the oral pronouncement of sentence as well as the ambiguities in the oral pronouncement of sentences, we vacate Thompson's sentence and remand for resentencing to resolve the conflict and ambiguities.

- 5) It is reasonable to believe that Ketchup's Criminal Judgment must be corrected.

In United States v. Massey, the Eleventh Circuit identified that "it is fundamental error for a court to enter a judgment of conviction against a defendant who has not been charged, tried or found guilty of the crime recited in the judgment." Massey, 443 F.3d at 822.

As this Court, the Eleventh Circuit, and other Circuits have identified, supra, Ketchup was entitled to some form of relief when he filed his "emergency Motion to Recall the Mandate in Case No. 96-8096. Such position was supported by precedent and logic. Ketchup did not request the Eleventh Circuit to do anything, but correct the error of the past. Ketchup understood Fed R. Civ. P., Rule 60(a), to allow the United States District Court for the Middle District of Georgia to correct the Criminal Judgment. But, Ketchup believed that an Order from the Eleventh Circuit, remanding the case for that purpose, would leave the lower court with only one (1) option: Correct the Criminal Judgment.

Additionally, since Ketchup had filed a direct appeal, subsequent to the clerical error in the Criminal Judgment, recall of the mandate was the only sufficient procedural vehicle available to the Eleventh Circuit, because the "LAW OF THE CASE" could only be overruled by a recall of the mandate that was closes to the clerical error: Ketchup's direct appeal.

Because Ketchup had filed a direct appeal, a initial \$2255 motion; several successive \$2255 Motion; the "clerical error" became an important foundation of "every subsequent decision" made by this Court, the Eleventh Circuit, and the U.S District Court for the Middle District of Georgia. Even Ketchup's many attempts at habeas corpus review, through petitions filed in several federal court, under 28 U.S.C. § 2241, were affected by the "clerical error" that is found in Ketchup's Criminal Judgment. Ketchup conceded to the Eleventh Circuit that this Court's decision in Hewitt v. United States, 145 S. Ct. (2025) would require Ketchup

to have to be resentenced under the First Step Act, by stating:

the majority, in Hewitt, ended its opinion by stating: under the interpretation of §403(b) we adopt today, all first-time 924(c) offenders who appear for sentencing after the First Step Act's enactment date—including those whose previous :924(c) sentences have been vacated and who thus need to be resentenced—are subject to the Act's revised penalties. According to ~~According to this Court's~~ decision in Gonzalez v. Sec'y for Dept. of Corr., supra; United States v. Massey, supra; and United States v. Starr, supra; Ketchup's sentence has not been a "legally -valid sentence" since the "clerical error" appeared in the J&C in 1996. Once the mandate is recalled in Appellate Case No. 96-8096, and the district/sentencing court is ordered to correct its judgment; Hewitt, would apply to Ketchup's three (3) STACKED 18 U.S.C. § 924(c) sentences; which would ultimately reduce Ketchup's 675-month sentence to a maximum of 26-years....Ketchup has been incarcerated over 31-years, not counting "Good-Conduct-Time" credits from the BOP. There is no doubt that Ketchup would be entitled to an immediate release from BOP custody, having served over five (5) years more than the maximum sentence that could have been imposed under the new FSA sentencing provisions concerning "924(c) stacking." It would be more than an "injustice" to delay a ruling on this matter, when Ketchup has served several years more than he could have been possibly (sic) received due to his not having received a "legally valid sentence." There would be no reason to not correct the error of the past, by recalling the mandate in Case No. 96-8096, and remanding the case back to the district/sentencing court to allow the U.S. District Court for the Middle District of Georgia to properly correct it's J&C

Ketchup's "Emergency Motion to Recall the Mandate in Case No. 96-8096," at pgs.

8-9

8-9.

CONCLUSION

The petition for writ of certiorari should be granted.

Respectfully submitted,

Iran Dewayne Ketchup
Register Number: 82262-020
Federal Correctional Institution Lompoc II (Low-Security)
3901 Klein Blvd.
Lompoc, California 93436

Signature

Date

June 29, 2026