

UNITED STATES OF AMERICA
SUPREME COURT
1 FIRST STREET N.E.
WASHINGTON D.C. 20543

JONATHAN OMAR IRIZARRY VEGA, PETITIONER UNITED STATES NAVY WAR VETERAN
BK#133052 BLADEN COUNTY DETENTION CENTER
V 299 SMITH CIRCLE ELIZABETH TOWN, N.C. 28337
UNITED STATES OF AMERICA, RESPONDANT

PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES OF AMERICA
COURT OF APPEALS FOR THE FOURTH CIRCUIT

QUESTIONS PRESENTED

- 1- IS AN ORDER OF A DISTRICT COURT DENYING AN APPLICATION FOR HABEAS CORPUS AN ORDER THAT IS IMMEDIATELY APPEALABLE?
- 2- IS AN ORDER DENYING ARGUMENT OR CHALLENGE FROM A PARTY REGARDING SUBJECT MATTER JURISDICTION FROM A DISTRICT COURT AN ORDER THAT IS IMMEDIATELY APPEALABLE?
- 3- DID THE FOURTH CIRCUIT COURT OF APPEALS COMMIT ABUSE OF DISCRETION IN DENYING A PETITION FOR REHEARING BY THE PETITIONER EVEN AFTER HE PROVIDED NON-FRIVOLOUS AND PROPER CLAIMS / QUESTIONS THAT HAD NOT BEEN ADDRESSED BY THE COURT OF APPEALS?
- 4- IS "ABUSE OF DISCRETION" A "QUESTION OF LAW" OR A "QUESTION OF FACT"?

PETITION FOR WRIT OF CERTIORARI

(a) QUESTIONS PRESENTED BY THE PETITIONER FOR REVIEW

- 1- IS AN ORDER OF A DISTRICT COURT DENYING AN APPLICATION FOR HABEAS CORPUS AN ORDER THAT IS IMMEDIATELY APPEALABLE?
- 2- IS AN ORDER DENYING ARGUMENT OR CHALLENGE FROM A PARTY REGARDING SUBJECT MATTER JURISDICTION FROM A DISTRICT COURT AN ORDER THAT IS IMMEDIATELY APPEALABLE?

(b) PARTIES OF THE PROCEEDINGS IN THE COURT ASSOCIATED TO THE PETITION

JONATHAN OMAR IRIZARRY VEGA; UNITED STATES OF AMERICA

PROCEEDINGS DIRECTLY RELATED TO THIS PETITION

1. 7:23-CR-00126-M (E.D.N.C.) DOCKET ENTRY FOR ORDER: D.E115 DATE ENTERED: JAN 5, 2026
2. 26-105 (4TH CIRCUIT) DISMISSED BEFORE APR 10, 2026; RE-HEARING/HEARING ENBANC DENIED APR 20, 2026

(e) STATEMENT ~~STATE~~ FOR THIS COURTS JURISDICTION

THIS COURT HAS PROPER JURISDICTION TO REVIEW THIS PETITION AS IT IS TO REVIEW A FINAL DECISION DENYING AN APPEAL FROM APRIL 2026 IN THE 4TH CIR. U.S. COURT OF APPEALS. SAID DENYAL CONFLICTS WITH PRECEDENT CASES FROM OTHER COURTS OF APPEALS INCLUDING THE 3RD CIR. COURT OF APPEALS AND TEXAS COURT OF APPEALS WHICH HOLD THE ANSWER OF THE QUESTIONS PRESENTED IS YES, THEY ARE, WHILE THE 4TH CIRCUIT HAS DISMISSED, AROUND APRIL 2026,

APPENDIX FOR THE PETITIONER'S WRIT OF CERTIORARI

FRONT PAGE OF THE WRIT	APP. 0
QUESTIONS PRESENTED FOR REVIEW	APP. 1-A
PARTIES TO THE PROCEEDINGS OF THE PETITION	APP. 1-B
PROCEEDING DIRECTLY RELATED TO THE PETITION	APP. 1-B
STATEMENT FOR THE COURT'S JURISDICTION . . .	APP. 1-B - APP. 2
CONSTITUTIONAL PROVISION	APP. 2
STATEMENT OF THE FACTS	APP. 2 - APP. 4
ARGUMENT FOR ALLOWANCE OF THE WRIT . . .	APP. 4 - APP. 5
EXHIBIT A ORDER DENYING APPEAL 26-105 . . .	APP. A.1 - APP. A.2
EXHIBIT B DENIAL FOR RE-HEARING	APP. B.1 - APP. B.6

[APPEAL 26-105 ORDER, MARCH 25, 2026 EXHIBIT A] [PETITION FOR REHEARING DENIED APR 20, 2026]
AN APPEAL STATING THAT IT DID NOT HAVE JURISDICTION
AND THAT STATEMENT IS WHAT IS IN CONFLICT WITH
THE OTHER SISTER COURTS OF APPEALS. THUS BECAUSE
OF THIS CONTROVERCY JURISDICTION IS PROPER AS PER
28 U.S.C. § 1251, § 1291, AND OR § 2255 OF THE SAME TITLED 28.
THE PETITION FOR REHEARING / REHEARING ENBANC WAS DENIED APRIL 20, 2026

CONSTITUTIONAL PROVISION

28 U.S.C. § 2255 (d) STATES -

"AN APPEAL MAY BE TAKEN TO THE COURT OF APPEALS FROM THE ORDER
ENTERED ON THE MOTION AS FROM A FINAL JUDGMENT ON APPLICATION
FOR A WRIT OF HABEAS CORPUS. 28 U.S.C. § 2255 (d)

STATEMENT OF THE CASE FACTS

IN JANUARY 2026, THE COURT OF EASTERN DISTRICT FOR NORTH CAROLINA
DISMISS NUMEROUS PROSE MOTIONS IN PENDING CRIMINAL CASE 23-CR-126-M
(THE FEDERAL CASE). THE PETITIONER FILED A TIMELY NOTICE TO APPEAL IN
THE 4TH CIR. COURT OF APPEALS (APPEAL 26-105) AND IN THE NOTICE TO
APPEAL PETITIONER FILED PERMISSION TO APPEAL AS PER § 1292, WHICH WAS
GRANTED. THE COUNSEL FOR THE APPELLEE, AN INTERESTED ASSISTANT U.S. ATTORNEY
NAMED CHARITY WILSON, PROCEEDED WITH THE APPELEE'S MOTION TO DISMISS
THE APPEAL LYING TO THE 4TH CIR CLAIMING THAT THE APPEAL WAS NOT
ALLOWED AND AMONG THE STATEMENTS MRS. WILSON LIED TO THE 4TH CIR.

STATING THAT THE APPLICATION FOR HABEAS CORPUS WAS NOT APPEALABLE
AT THAT MOMENT, NOR, WAS ANY OF THE DENIED PROSE MOTIONS IMMEDIATELY
APPEALABLE. THE COURT DENIED AND DISMISSED THE APPEAL HOLDING, ON ABOUT APRIL 10,

THAT THE ORDER SOUGHT TO BE REVIEWED WAS NEITHER A FINAL DECISION NOR AN APPEALABLE INTERLOCUTORY OR COLLATERAL ORDER. THE PETITIONER FOLLOWING 28 U.S.C. § 2255 AND 28 U.S.C. § 1292 BELIEVED THAT ALONG WITH HIS CLEAR CLAIM THAT THE DENIAL WAS AN ABUSE OF DISCRETION (WHICH BEING A QUESTION OF LAW) AND THUS WAS IMMEDIATELY APPEALABLE. THE PETITIONER, THEREFORE, PROCEEDED TO PETITION FOR A RE-HEARING OR A REHEARING EN BANC AGAIN, CLAIMING THAT THE REVIEW OF THE DENIED ORDER WAS COLLATERAL AS WELL AS INCLUDED PRELIMINARY INJUNCTION WAS IMMEDIATELY APPEALABLE AND THAT AN ABUSE OF DISCRETION (DENYING ABOUT 5-10 MOTIONS WITHOUT HOLDING A HEARING TO INQUIRE THE SHEER AMOUNT OF PROSE FILED MOTIONS) WAS IMMEDIATELY APPEALABLE. THE COURT OF APPEALS FOR THE 4TH CIRCUIT DENIED THE PETITIONERS PETITION FOR REHEARING ON APRIL 20, 2026 BUT DUE TO ERRONEOUS "MAKING TO" ADDRESS USED BY THE CLERK OF COURT THE ORDER WAS NOT RECEIVED UNTIL AFTER MAY 22, 2026. THE PETITIONER TIMELY SUBMITS THIS PETITION FOR WRIT OF CERTIORARI BELIEVING THAT THERE IS A DISPARITY BETWEEN THE APPELLATE COURTS AND THAT HE HAS BEEN PREJUDICED BECAUSE OF THE 4TH CIRCUIT COURT OF APPEALS NOT ADHERING TO BINDING PRECEDENT OF THE OTHER COURTS OF APPEALS. FURTHERMORE THE PETITIONER CONTENDS THAT THE 4TH CIRCUIT ALSO COMMITTED ABUSE OF DISCRETION WHEN IT DID NOT FOLLOW 28 U.S.C. § 2255(d) IN REVIEWING AN APPEALABLE MATTER, WHICH UPON DENYING THE PETITION FOR RE-HEARING IN 2026, 20 APRIL, FINALITY IN REGARDS TO THE APPEAL WAS COMPLETE AND WRIT OF CERTIORARI IN THIS COURT IS THE ONLY VENUE WHICH THE

PETITIONER CAN NOW SEEK REVIEW OF HIS FIRST APPLICATION FOR HABEAS CORPUS UNDER 28 U.S.C. § 2255. THE PETITIONER BELIEVES THAT THE 4TH CIRCUIT COURT OF APPEALS ERRONEOUSLY CONSIDERED THE ORDER DENYING THE APPLICATION FOR HABEAS CORPUS AS A PRETRIAL MOTION AND THIS ERROR IS REVERSIBLE NOW ONLY BY WRIT SUBMITTED TO THIS COURT.

ARGUMENT OF ALLOWANCE OF THE WRIT

PETITIONER ARGUES IN PRETTY MUCH EVERY OF HIS APPEALS THAT HE HAS BEEN PRESUDICED BY ABUSE OF DISCRETION FROM THE DISTRICT COURT AND THAT ABUSE OF DISCRETION WAS (1) CAUSED BY MIS CONDUCT OF THE GOVERNMENT'S OR HIS COURT A POINTED COUNSEL AND THAT (2) THE "ABUSE OF DISCRETION" ORDERS ARE IMMEDIATELY APPEALABLE. THE JUDGES IN 4TH CIRCUIT EITHER BY NEGLIGENCE, COWARDICE OR OUTRIGHT NOT CARING ABOUT, ESPECIALLY AFTER THE PETITIONER WELL PLEADED ARGUMENTS, OF THE MISCARriage OF JUSTICE OCCURING IN ONE OF THE DISTRICT COURTS UNDER THEM. THE ABUSE OF DISCRETION BY THE COURT IF VIEWED, IS/AND/AN CONTINUOUSLY TRANTS THE PROCEEDINGS AS A WHOLE. THIS IS AGGRAVATED WITH PROSECUTORIAL MISCONDUCT AND INEFFECTIVE ASSISTANCE OF COUNSEL, WORSE, THE COURT HAS ACTIVELY DENIED HOLDING HEARINGS ON MERITS ON MATTERS AND CLAIMS TIMELY AND PROPERLY SUBMITTED TO THE COURT, UNDER THE GUISE THAT BECAUSE THE PETITIONER IS REPRESENTED "IT IS NOT REQUIRED TO HEAR OR DECIDE ON HIS "PROSE" MOTIONS. THE PETITIONER BELIEVING THAT PRECEDENT AND NUMEROUS CASES FROM OTHER REVIEWING

COURTS FIRMLY AND CLEARLY STATE THAT THE QUESTIONS PRESENTED TO THIS COURT BY THIS PETITION IS YES.

SEE PERRONG V. BRADFORD, 157 F.4TH 231 (3RD CIR. 2025) ("A QUESTION OF LAW, IS IMMEDIATELY APPEALABLE"); KASTNER V. STAR TRIALS ASS'N, 646 N.W.2D 235 (MINN. 2002) (QUOTING MITCHELL V. FORSYTH, 472 U.S. 511, 105 S.C.T. 2806) (IT TURNS ON A QUESTION OF LAW WHICH IS IMMEDIATELY APPEALABLE); PEOPLE V. JONES, NY SLIP OP 8760, 26 N.E.3D 754, 757 (N.Y. 2024) (WHETHER THERE HAS BEEN ABUSE OF DISCRETION IS A QUESTION OF LAW, NOT OF FACT) TOWN OF WHEATLAND V. BELLIS FARMS, INC., 806 F.2D 281 (WYO. 1991) AT 291 ("ABUSE OF DISCRETION IS A QUESTION OF LAW"). FURTHERMORE FEDERAL LAW SAYS THE QUESTION FOR HABEAS CORPUS RELIEF IS ONE THAT'S IMMEDIATELY APPEALABLE. 28 U.S.C. § 2255(d). THE 4TH CIRCUIT COURT OF APPEALS HAS CHOSEN TO IGNORE THEIR RESPONSIBILITY TO ENSURE THE DISTRICT COURT UNDER ITS CARE AND GUIDANCE AND JURISDICTION, APPARENTLY EVEN AFTER THE PETITIONER HAS PROPERLY PRESENTED CASE LAW PRECEDENCE TO HIS NON-TRIVIAL CLAIMS. THEIR DECISION IS IN DIRECT CONFLICT WITH 3RD CIRCUIT, WYOMING S.C.T, NEW YORK, AND MINNISOTA. THUS UNDER RULE 10(a) THE PETITION FOR WRIT OF CERTIORARI IS PROPER. THE PETITIONER HAS NO OTHER COURT TO GO TO AND HE IS TRYING TO ENSURE NOT ONLY HE GETS A FAIR TRIAL, BUT ALSO THAT THERE IS FAIRNESS FOR THOSE THAT WILL COME AFTER HIM. THE END OF THE UNITED STATES SAILOR IS "I AM COMMITTED TO EXCELLENCE AND FAIR TREATMENT OF ALL." THE PETITIONER PRAYS FOR THIS COURT TO CONSIDER HIS WRIT FOR CERTIORARI APPLICATION.

RESPECTFULLY SUBMITTED ON

JUNE 22, 2026

RESPECTFULLY RESUBMITTED ON

AUGUST 26, 2026


JONATHAN OMARIZARRY VEGA, PETITIONER
BK# 133052 BLACKEN COUNTY DETENTION CENTER
299 SMITH CIRCLE, ELIZABETH TOWN, N.C. 28337

FILED: March 25, 2026

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 26-105

JONATHAN OMAR IRIZARRY VEGA,

Petitioner,

v.

EXHIBIT A-1

UNITED STATES OF AMERICA,

Respondent.

ORDER

Jonathan Omar Irizarry Vega petitions this court for permission to appeal the district court's order denying the relief he requested in his pro se pretrial motions in his criminal case.* See Fed. R. App. P. 5. The Government has moved to dismiss the appeal for lack of jurisdiction; Vega opposes the motion.

* Vega voluntarily dismissed his bail appeal in No. 26-4019, which challenged the district court's denial of his pro se motion to reconsider his pretrial detention. On March 9, 2026, the district court held a hearing and denied Vega's counseled

This Court has jurisdiction only over final decisions and certain interlocutory and collateral orders. See 28 U.S.C. §§ 1291, 1292; *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 545-46 (1949). The order Vega seeks to appeal is neither a final decision nor an appealable interlocutory or collateral order. See *United States v. Sueiro*, 946 F.3d 637, 639-41 (4th Cir. 2020). We therefore deny Vega's petition ~~for permission to appeal, deny as moot Vega's motion to stay the district court~~ proceedings, and grant the Government's motion to dismiss the appeal for lack of jurisdiction. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

Entered at the direction of the panel: Judge King, Judge Berner, and Senior Judge Floyd.

For the Court

/s/ Nwamaka Anowi, Clerk

motion for release. Vega's appeal from that denial, No. 26-4148, has not yet been briefed and will be decided separately.

RETURN

RICHMOND VASRPD
 21 APR 2026 PM 5

US POSTAGE

ZIP 23212 \$ 000.74⁰
03-21
0008005003 APR 20 2026

RECEIVED
U.S. MARSHALS

Address
NO QUESTION
Doubtful
Stanton County, Ark.
Stanton, Ark.

6.1
 7.1
 8.1
 9.1
 10.1
 11.1
 12.1
 13.1
 14.1
 15.1

[illegible]

RC: 2327353826
*TULI-01577-27-42

249696979899

EXHIBIT B.1

OFFICIAL BUSINESS

CTA

LEGAL DEPARTMENT OF COURT
LAWYER OPEN ONLY IN
OFFICES OF JUDGE

RECEIVED
U.S. MARSHALS

NIXIE 2749851412026

NOT DECLASSIFIED
RETURN TO SENDER
UNDELIVERABLE AS ADDRESSED
UNDELIVERABLE - UNKNOWN
SORT IN MANUAL ONLY NO AUTOMATION
BL: 5698899955

[illegible]

EXHIBIT B-2

26-105

RECEIVED
MAY 22 2026
U.S. Court of Appeals
Fourth Circuit

Jonathan Omar Irizarry Vega
#130185
ROBESON COUNTY JAIL
122 Legend Road
Lumberton, NC 28358

RP/RM

EXHIBIT B3

26-105

RECEIVED

MAY - 1 2026

U.S. Court of Appeals
Fourth Circuit

RP/RM

Jonathan Omar Irizarry Vega
#130185
ROBESON COUNTY JAIL
122 Legend Road
Lumberton, NC 28358

EXHIBIT B-5

FILED: April 20, 2026

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 26-105
(7:23-cr-00126-M-BM-1)

JONATHAN OMAR IRIZARRY VEGA

Petitioner

v.

UNITED STATES OF AMERICA

Respondent

ORDER

The court denies the petition for rehearing and rehearing en banc. No judge requested a poll under Fed. R. App. P. 40 on the petition for rehearing en banc.

Entered at the direction of the panel: Judge King, Judge Berner, and Senior Judge Floyd.

For the Court

/s/ Nwamaka Anowi, Clerk

EXHIBIT B-6