

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

IN RE JASON DANIEL GANDY,

No. _____

Petitioner.

PETITION FOR WRIT OF MANDAMUS LIMITED TO A RULING, RECORD
CLARIFICATION, ACCESS, AND PRESERVATION

Jason Daniel Gandy petitions under 28 U.S.C. § 1651 and Federal Rule of Appellate Procedure 21 for strictly procedural relief. He does not ask this Court through mandamus to vacate his conviction, decide suppression, reopen his direct appeal, or bypass 28 U.S.C. § 2255(h).

MANDAMUS FILING CONDITION

This petition should be mailed only after the district-court docket confirms that the pending “Motion to Unseal DE 46, Resolve DE 98 Sealed Status, Produce Search-Warrant Affidavits, and Rule on DE 315” has been docketed and has remained undecided for a substantial period. Attach the current docket and that

motion as Exhibits A and B. The blank appellate number is completed by the Clerk.

RELIEF SOUGHT

Gandy requests an order directing the district court, within a reasonable time selected by this Court, to exercise its jurisdiction by:

1. ruling on DE 315 and DE 316, including any permitted consolidated amendment;
2. identifying the docket disposition of DE 46;
3. clarifying whether DE 98 remains sealed and providing a lawful access procedure for Gandy and authorized counsel;
4. identifying whether a sealed order defines the government representation referenced in DE 98; and
5. preserving DE 46, DE 98, search-warrant affidavits, courtroom-closure records, audio if any, interview recordings requested in DE 315, and the complete sealed and unsealed docket.

STATEMENT OF FACTS

1. DE 46, filed November 26, 2013, was a counseled suppression motion requesting a hearing and challenging the use of Gandy's custodial statements to supply probable cause and a nexus for search warrants.

2. DE 98 records a closed April 27, 2017 proceeding at which Gandy opposed retained counsel's withdrawal. The district court stated that no suppression motion remained after the government represented it would not use certain evidence, but the transcript does not identify the exact evidence covered or a public written disposition of DE 46.

3. Julie Gandy ordered the transcript in January 2024. It was not created and docketed under seal until April 21, 2025. Gandy personally received it approximately June or July 2025.

4. DE 315 requests production or preservation of interview evidence needed to test the alleged investigative use of Gandy's statements. DE 316, filed April 28, 2026, challenges the mismatch between DE 287's governmental-use allegation and DE 289's direct-admission disposition.

5. Gandy later prepared a district-court motion specifically requesting unsealing or lawful access, clarification of DE 46 and DE 98, production of warrant affidavits, and a ruling on DE 315. The attached current docket must supply the filing date and demonstrate the period of nondecision before this petition is mailed.

ARGUMENT

I. THE CHENEY REQUIREMENTS GOVERN.

Mandamus requires no other adequate means to obtain relief, a clear and indisputable right, and a determination that the writ is appropriate under the circumstances. *Cheney v. United States District Court*, 542 U.S. 367, 380-81 (2004). Mandamus is a last resort and cannot substitute for appeal.

II. THE PETITION SEEKS EXERCISE OF JURISDICTION, NOT A PARTICULAR RESULT.

Gandy does not ask this Court to direct how the district court should decide DE 315, DE 316, unsealing, or access. He asks only for rulings and a clear record. A

court may be required to exercise jurisdiction that has been properly invoked, although ordinary docket congestion and short delays do not warrant mandamus.

III. LESS EXTRAORDINARY ROUTES HAVE BEEN PURSUED.

The district-court motion attached as Exhibit B requests the same procedural relief directly from the district court. DE 315 and DE 316 are also pending according to the available docket. Once the attached current docket demonstrates a substantial period without action, another ordinary request would not supply timely relief.

IV. THE REQUEST IS NARROWLY TAILORED TO CLEAR PROCEDURAL DUTIES.

Gandy does not claim an indisputable right to public release of victim-identifying or otherwise protected information. Redaction, prisoner-only access, or attorney-eyes-only access may protect legitimate interests. But the record should identify how DE 46 was resolved, whether DE 98 remains sealed, and how a party may obtain lawful access to materials needed for pending proceedings.

V. PRESERVATION IS NECESSARY.

The passage of time creates a concrete risk that recordings, audio, warrant materials, or administrative records may be lost under routine retention practices. Preservation does not decide admissibility or merits. It maintains the ability of a court with jurisdiction to adjudicate later.

PRAYER

Gandy asks the Court to issue a writ directing the district court, within a reasonable time, to rule on the identified motions; clarify the record disposition and sealed status; establish a lawful access procedure; and preserve the complete record. He requests no direction concerning the substantive outcome.

Respectfully submitted,

/s/ Jason Daniel Gandy

Jason Daniel Gandy, Reg. No. 73006-279

Federal Correctional Institution Memphis

P.O. Box 34550

Memphis, Tennessee 38184

Pro Se Petitioner

Dated: September ___, 2026

CERTIFICATE OF SERVICE

I certify under penalty of perjury that on September ___, 2026, I deposited this petition in the institution's internal legal-mail system, first-class postage prepaid, addressed to the Clerk of the United States Court of Appeals for the Fifth Circuit, the United States Attorney for the Southern District of Texas, and the district judge.

/s/ Jason Daniel Gandy

Jason Daniel Gandy