FILED
2026 NOV -6 PM 4:45
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES
BY

Gustavo Escamilla
1315 Highland Avenue
Glendale, California 91202
(818) 355-0062
gescamilla@ymail.com
Petitioner in Pro Se

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

In Re:

GUSTAVO ESCAMILLA, an individual,

Petitioner,

v.

UNITED STATES OF AMERICA; UNITED STATES DEPARTMENT OF JUSTICE; and ANDRÉ BIROTTE JR., in his official capacity as a United States District Judge,

Respondents.

Case No. CV26-13079-AFB

PETITIONER'S NOTICE OF RELATED CASES [C.D. CAL. L.R. 83-1.3; GENERAL ORDER 08-05, § 5.2]; REQUEST THAT RELATED-CASE DETERMINATION BE MADE BY THE CHIEF JUDGE

[RESPONDENT JUDGE MAY NOT PRESIDE OR RECEIVE TRANSFER — 28 U.S.C. § 455(b)(5)(i), (e)]

TO THE CLERK OF THE COURT AND TO ALL PARTIES:

NOTICE OF RELATED CASES

Under Local Rule 83-1.3, Petitioner Gustavo Escamilla gives notice that this action is related to the following cases pending or previously pending in this District:

1. *Escamilla v. United States*, No. 2:26-cv-05207-AB-E (filed May 14, 2026) — Petitioner's Emergency Petition for Enforcement of the Crime Victims' Rights Act. Assigned to Respondent André Birotte Jr. Pending.
2. *Escamilla v. United States, et al.*, No. 2:26-cv-09383-AB (filed Aug. 21, 2026) — Petitioner's Victims' Emergency Petition under 18 U.S.C. § 3771 and the MVRA. Assigned to Respondent André Birotte Jr. Pending.
3. *Escamilla, et al. v. Department of Homeland Security, et al.*, No. 2:17-cv-07748-AB-MRW (filed Oct. 24, 2017) — civil action dismissed April 4, 2018; post-judgment motions decided November 4, 2026 (Dkt. 58). Assigned to Respondent André Birotte Jr.
4. *Escamilla v. United States*, No. 2:21-cv-01910 (filed March 2021) — Petitioner's prior crime-victim petition, dismissed April 2, 2021; aff'd, No. 21-55417 (9th Cir. Mar. 24, 2022).
5. *United States v. McCormick*, No. 2:20-cr-00346(B)-DMG — criminal case pending before Chief Judge Dolly M. Gee, in which the United States Attorney's Office characterized Petitioner's crime-victim claims on August 5, 2026 (Doc. 864).

BASIS FOR RELATEDNESS

These cases arise from the same events—the identification of Greenway Nutrients, Inc. as a Lead Victim of Operation Software Slashers and the government's handling of Petitioner's rights as a crime victim—and call for determination of the same or substantially related questions of law and fact. L.R. 83-1.3.1(b), (c). This action concerns, in particular, the failure to take up and decide forthwith the petitions and motions pending in Nos. 2:26-cv-05207 and 2:26-cv-09383.

REQUEST REGARDING ASSIGNMENT

Respondent André Birotte Jr., the judge assigned to Nos. 2:26-cv-05207, 2:26-cv-09383, and 2:17-cv-07748, is a party to this action in his official capacity.

A judge who is a party to a proceeding must disqualify himself, and the disqualification cannot be waived. 28 U.S.C. § 455(b)(5)(i), (e). Petitioner therefore respectfully requests that this action not be transferred to Respondent Judge under General Order 08-05, § 5.2, or otherwise, and that any related-case determination be made by the Chief Judge, before whom *United States v. McCormick* is pending.

This Notice is filed concurrently with the Petition. Petitioner seeks no ruling on relatedness from Respondent Judge.

DATED: November 6, 2026

Respectfully submitted,

GUSTAVO ESCAMILLA
1315 Highland Avenue
Glendale, California 91202
(818) 355-0062
gescamilla@ymail.com
Petitioner in Pro Se

CERTIFICATE OF COMPLIANCE WITH THE COURT'S GENERATIVE ARTIFICIAL INTELLIGENCE ORDER

The undersigned certifies the following regarding the use of generative artificial intelligence in the preparation of this filing:

_X_ This filing USES generative artificial intelligence.

____ This filing DOES NOT use generative artificial intelligence.

Petitioner used a generative artificial intelligence tool to assist in drafting portions of this filing. Petitioner has reviewed and revised the content, has verified the legal citations and the factual assertions to the best of his ability, and adopts the filing as his own. The positions and representations set forth herein are made in good faith and in compliance with Federal Rule of Civil Procedure 11.

DATED: November 6, 2026

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