No._____

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**IN THE**

**SUPREME COURT OF THE UNITED STATES**

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KENNY DANIEL BARRIOS,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

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On Petition For A Writ of Certiorari
To the United States Court of Appeals
For the Eighth Circuit

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# PETITION FOR A WRIT OF CERTIORARI

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## QUESTIONS PRESENTED

Whether the failure of counsel to object to inaccurately calculated Sentencing Guidelines is ineffective assistance of counsel, as provided under the Sixth Amendment, including when the sentence to be imposed is pursuant to a Fed. R. Crim. P. 11(c)(1)(C)("Type-C") plea agreement;

and,

Whether Petitioner should have been granted an evidentiary hearing to present evidence of ineffective assistance of counsel pursuant to his 28 USC § 2255 motion; or, at a minimum, been granted a certificate of appealability to present his arguments.

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## TABLE OF AUTHORITIES

## PETITION FOR A WRIT OF CERTIORARI

Kenny Daniel Barrios respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Eighth Circuit in this case.

## OPINIONS BELOW

The Eighth Circuit's denials are not published, but copies of the orders are attached as Appendix A. The district court's order denying Petitioner's §2255 motion is also not published, but a copy is attached as Appendix B.

## JURISDICTION

The Eighth Circuit entered judgment on May 22, 2018. This Court has jurisdiction under 28 U.S.C. § 1254(1).

## RELEVANT CONSTITUTIONAL PROVISION

The Sixth Amendment to the United States Constitution provides in relevant part: "In all criminal prosecutions, the accused shall enjoy the right ... to have the Assistance of Counsel for his defence."

## INTRODUCTION

The Court's recent opinions have repeatedly emphasized the importance of first properly determining the applicable Guidelines range during sentencing, including proceedings pursuant to a Type-C plea agreement. The Court should now hold that the failure of counsel to object to inaccurate Guidelines is ineffective

assistance of counsel.

Following complaints of inappropriate activity while communicating with high school girls on his Twitter and Instagram accounts, the 22-year-old defendant accepted responsibility and signed a plea agreement, admitting to a single count of receipt of child pornography ("C.P."). The Type-C agreement included an agreed sentencing range spanning five years, which was considerably longer than the median sentence handed down for that offense.[1] Counsel assured the young defendant that the sentence would be at the very bottom of the range; however, when the PSR recommended numerous stacked offense-level adjustments, which inflated the advisory Guidelines to a potential sentence of life, counsel raised no objection, tacitly agreeing that the outrageous Guidelines calculation was correct, not even requiring the government to present evidence that the 20-level adjustment was appropriate.

Petitioner alerted counsel that the relevant conduct conflicted with documents contained within his discovery, but counsel told him that the "Guidelines did not matter" and refused to present the evidence to the court. App. D, Declaration of Kenny Daniel Barrios in Support of 28 USC § 2255 Motion, ¶¶ 23-27. The court utilized the uncontested, inaccurate Guidelines to frame its sentencing analysis and, naturally, found that a sentence at the very top of the range within the Type-C agreement was appropriate. When the court dismissed Petitioner's §2255 motion, it stated that the sentence was not based on the Guidelines and that Petitioner could

1. According to DOJ statistics, the median sentence for offenses related to sexually explicit material was 85 months. - DOJ, Bureau of Justice Statistics, 2016 Statistical Tables.

not demonstrate prejudice even if counsel had successfully shown an incorrect Guidelines range had been used. App. B at p.5.

Contrary to this Court's holdings in Molina-Martinez and Hughes, both counsel and the sentencing court in this case stated the Guidelines determination did not matter because the sentence was not "based on" the Guidelines but, instead, on the range within the Type-C plea agreement.

The Sixth Amendment provides for the right to the assistance of counsel and yet the Petitioner likely received an additional five years incarceration because his attorney failed to object and to present evidence of an overstated Guidelines calculation within the PSR.

## STATEMENT OF THE CASE

1. Petitioner was arrested in Iowa on January 20, 2015. He was indicted on February 19, 2015, for one count of Attempted Production of C.P. (18 USC § 2251) and four counts of Receipt of C.P. (18 USC § 2252). Petitioner accepted responsibility and pleaded guilty on February 3, 2016, to a single count of Receipt of C.P. pursuant to a Type-C plea agreement that, once accepted by the court, specified a sentence of 108 to 168 months (9 to 14 years).

2. US Probation/Pretrial Services prepared a Presentence Investigative report ("PSR") in which it calculated the advisory Sentencing Guidelines.[2] The base offense level was 22, Criminal History Category ("CHC") I, equating to 41 to 51 months incarceration. Probation then applied numerous uncontested offense level increases,

2. The PSR is Docket #56, S.D. Iowa, 3:15-cr-009-JEG-1.

including a cross-reference to the Production guidelines as well as Multiple Counts enhancement, based on uncontested relevant conduct contained within the PSR. These adjustments brought the advisory Guidelines offense level to 42—a potential sentence of life—before the 3-level reduction for acceptance of responsibility. The PSR's advisory sentencing Guidelines range was 262 to 327 months (OL 39; CHC I), roughly 22 to 27 years in federal prison.

3. During the sentencing hearing held on May 19, 2016, the court made several references to the significantly higher applicable Guidelines, to which neither party had objected, before handing down a sentence of 168 months (14 years), the very top of the range contained within the Type-C plea agreement.

4. On June 2, 2016, Petitioner filed a timely notice of appeal, but this appeal was withdrawn when counsel informed Petitioner that there were no grounds for appeal and that she would file only an Anders brief. The final judgment was entered on September 12, 2016.

5. Petitioner filed a 28 USC § 2255 motion on May 22, 2017, asserting, inter alia, that he was denied his Sixth Amendment right to the assistance of counsel when counsel failed to object to the offense level adjustments within the PSR and failed to investigate and present evidence during the sentencing hearing regarding the inaccurate relevant conduct within the PSR. App. C, 28 USC § 2255 Motion.

6. The district court dismissed the §2255 motion on October 6, 2017, and declined to issue a COA, primarily based on the premise that the Petitioner "cannot demonstrate prejudice" because the Petitioner "was not sentenced under the United States Sentencing Guidelines but pursuant to a substantially lower range negotiated

by counsel in the 11(c)(1)(C) plea agreement." App. B at p.5.

7. On November 8, 2017, Petitioner filed a timely Application for COA with the Eighth Circuit Court of Appeals. This was denied without explanation on March 29, 2018. A subsequent petition for rehearing/rehearing en banc was denied without explanation on May 22, 2018. App. A, Denial of Application for COA; Denial of Petition for Rehearing/Rehearing en banc. This Petition followed.

## REASONS FOR GRANTING THE PETITION

A prisoner alleging a violation of his substantial rights via a timely collateral challenge should be able to have his day in court and a chance to present evidence of the alleged violation. This is codified under 28 USC § 2255. Yet the vast majority of §2255 motions filed by unrepresented defendants are dismissed without a hearing and routinely require no government response, citing §2255(b). A COA is rarely granted in cases where the §2255 motion is summarily dismissed. This case is but one example of the rampant unfairness of post-conviction proceedings.

This Court recently recognized the issue of lower courts often using too high of a standard to issue a COA when it decided Buck v. Davis, 137 S.Ct 759, directing courts to follow the two-step process when deciding whether to issue a COA. (The only question is whether the applicant has shown that jurists of reason could disagree with the district court's resolution or ... could conclude the issue presented are adequate to deserve encouragement to proceed further.) Miller-El v. Cockrell, 537 US 322. Here, the Eighth Circuit failed to heed that directive.

The gist of Petitioner's §2255 motion claiming ineffective

of counsel is the following:

1. The sentence received was a Guidelines sentence even though it was issued pursuant to a specified range contained within the Type-C plea agreement.

2. The Guidelines determination was overstated and exculpatory evidence was not presented to the court that would have mitigated the relevant conduct and altered the subsequent offense level.

3. Petitioner's counsel failed to object to the omission of this exculpatory evidence, the inclusion of unadmitted conduct, and the overstated advisory Guidelines presented in the PSR.

4. Petitioner was prejudiced by receiving a sentence at the very top of the range within the Type-C agreement when the court framed its sentencing analysis referencing an incorrect Guidelines range that was "significantly higher" than the range negotiated in the Type-C agreement.

By any analysis, the dismissal of Petitioner's claims without conducting an evidentiary hearing is debatable among jurists of reason. In fact, the district court dismissed the §2255 motion on the basis that Petitioner "cannot demonstrate prejudice" because the sentence was not based upon the Guidelines, directly refuting the holdings of this Court in Molina-Martinez and Hughes. App. B at p.5. Since neither court below would issue a COA, Petitioner—like so many other unrepresented prisoners of the United States—was unable to present to either court his arguments of ineffective

assistance of counsel.

The decision of the U.S. Court of Appeals for the Eighth Circuit has sanctioned the departure of the district court from the accepted and usual course of judicial proceedings to the extent that it calls for an exercise of this Court's supervisory power. Rule 10(a). This Court should grant certiorari in this case, directing the Court of Appeals to issue a COA and to remand the case back to the district court to conduct an evidentiary hearing on Petitioner's ineffective assistance claim. Doing so would send a clear message to lower courts to follow the codified procedure for collateral appeals and provide prisoners a legitimate opportunity to be heard.

**A. THE SENTENCE RECEIVED WAS A GUIDELINES SENTENCE**

"A sentence imposed pursuant to a Type-C agreement is 'based on' the defendant's Guidelines range so long as that range was part of the framework the district court relied on in imposing the sentence or accepting the agreement." Hughes v. United States, 201 L.Ed.2d 72. Justice Kennedy explained why this is so in the Court's recent 6-3 ruling: A Type-C agreement permits the defendant and the government to "agree that a specific sentence or sentencing range is the appropriate disposition of the case," and "binds the court [to the agreed-upon sentence] once [it] accepts the plea agreement." But the court "may not accept the agreement unless the sentence is within the applicable Guidelines range, or it is outside that range for justifiable reasons specifically set out." Id.

"The Guidelines enter the sentencing process long before the district court imposes a sentence. The United States Probation

Office first prepares a presentence report which includes a calculation of the advisory Guidelines range it considers to be applicable." Molina-Martinez v. United States, 136 S.Ct 1338. "At the outset of the sentencing proceedings, the district court must determine the applicable Guidelines range. To do so, the court considers the presentence report as well as any objections the parties might have." Id.

Here, the uncontested Guidelines range was unquestionably a part of the framework the district court relied on in imposing the sentence. Consider the following statements of the court during the sentencing hearing and in its order dismissing Petitioner's §2255 motion:

> "Using the applicable Sentencing Guidelines relevant to his crime of conviction, the total offense level was 39 ... a Guideline imprisonment range of between 262 to 327 months." -App. B at p.5.
>
> "[The plea agreement range of 108 to 168 months] was achieved even though the Sentencing Guidelines range was 'substantially higher than what has been agreed upon under the circumstances of the case.' " -App. B at p.5.
>
> "That means that I am compelled to sentence pursuant to that agreement, rather than based upon the Guidelines range. So you can see that with regard to Mr. Barrios' situation, he has made fairly significant progress already compared to what the Guidelines range is..." -Doc. 72 at p.8.[3]
>
> "Ultimately, the court needs to avoid unwarranted sentencing disparity on defendants with similar records who have been found guilty of similar conduct. In that regard ... you are looking at half what has been done in those cases." -Doc. 72 at p.49.
>
> "So I have to decide what is a warranted disparity, because your sentence will be a disparity no matter what I do ... Under the circumstances of this case, the Court concludes that the progress that has been made in your case by the agreement of counsel is sufficient and that the remainder of the sentence has to be based on the seriousness of the offense." Doc. 72 at p.49.

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3. Transcript of sentencing hearing, Docket #72, S.D Iowa 3:15-cr-009-JEG-1

Each of these statements indicate that the sentencing court believed the appropriate Guidelines sentencing range was 262 to 327 months. The court's comments referencing disparity unequivocably indicate it was concerned about the "light" sentence the defendant would receive even at the top of the range within the plea agreement. This is a real world demonstration of what this Court held in Molina-Martinez:

> "The Guidelines are the framework for sentencing and anchor the district court's discretion. Even if the sentencing judge sees a reason to vary from the Guidelines, if the judge uses the [Guidelines] sentencing range as the beginning point to explain the decision to deviate from it, then the Guidelines are in a real sense the basis for the sentence." Molina-Martinez(quoting Peugh v. United States, 569 US 530)(emphasis original).

**B. THE UNCONTESTED ADVISORY GUIDELINES RANGE CONTAINED WITHIN THE PSR AND ADOPTED BY THE COURT WAS OVERSTATED**

The U.S. Probation officer included numerous unadmitted and unproven facts and circumstances regarding Petitioner's unlawful activities while, at the same time, omitting exculpatory and mitigating circumstances contained within the discovery. The court was given a crystal clear depiction of the admittedly heinous language used by Petitioner while communicating with high school girls on Twitter and Instagram, but it was devoid of the dialog that indicated the images Petitioner had received had been previously created and sent to many others prior to being sent to him.

The officer then used this unadmitted conduct to justify the stacking of numerous offense level adjustments to the base level of 22, bringing the offense level to 42 before the 3-level decrease for acceptance of responsibility. Given this outrageous offense level, it is not surprising that the court was persuaded to

sentence Petitioner at the high end of the agreed upon range.

The calculated offense level made by Probation was incorrect and the errors made should have been objected to and resolved at the sentencing hearing.

**1. The Cross-Reference to USSG 2G2.1 (Production) is Inappropriate**

Petitioner signed a plea agreement in which he admitted to one count of Receipt of C.P. Although initially indicted for attempted production, that charge was dropped. In order to prove that the 10-level increase was appropriate, the government would have been required to submit evidence that the images were made at Petitioner's request. However, the chat logs with the minor indicate that the images were previously made and on a "camera roll" possessed by the sender, evidence that the sentencing court was never provided. App. D, ¶¶ 7,8,12,17,18,24. Had defense counsel objected to this adjustment and presented evidence within her possession to the court, there is a substantial probability that this significant enhancement would have been found inappropriate and the Guidelines range lowered accordingly.

Importantly, the cross-reference to the Production Guidelines triggered numerous other upward adjustments to the advisory Guidelines range—a 2-level increase for one victim being less than sixteen and a 4-level increase under the Multiple Counts adjustment. As argued below, neither of these enhancements was appropriate.

Allowing this 10-level increase to stand without objection, considering the undisclosed evidence within counsel's possession, provided constitutionally deficient representation.

### 2. The Increase for Distribution Under USSG 2G2.1(b)(3) is Inappropriate

In the plea agreement, Petitioner admitted to a single count of receiving C.P. He did not admit to posting (distributing) or intending to distribute any images of C.P.[4] Admittedly, Petitioner made threats to post images he had received but never did so or intended to do so. App. D, ¶ 10. Threatening to distribute an image or falsely stating that an image had already been posted is not proof of distribution or intent to distribute. The only evidence that Petitioner sent pornographic images (images that have never been proven to be of minors) is his admission that he sent images back to whom he had received them from. That does not prove distribution of C.P.

Counsel initially filed an objection to this enhancement but then withdrew her objection during the sentencing hearing. App. B. Instead of arguing the the 2-level adjustment was inappropriate, counsel tacitly agreed with the enhancement. This was deficient representation.

### 3. The Increase for Victim #2 Being Less Than Sixteen Years Old Under USSG 2G2.1(b)(1)(B) is Inappropriate

The PSR included a 2-level upward adjustment on the basis that Petitioner "caused" someone less than sixteen years old to produce C.P. There is no evidence that supports this and the government would have been hard-pressed to prove that this enhancement was appropriate. Petitioner neither admitted to this in his plea agreement nor was charged with that conduct.

Because one of the high school girls Petitioner chatted with (who had claimed to be a university student in England) App. D,

4. The plea agreement is Docket #41, S.D. Iowa 3:15-cr-009-JEG-1

¶¶ 7,8, was later determined by law enforcement to be fifteen, Probation applied this 2-level increase. The images received from this girl were never proven to be of her or made by her at Petitioner's request. It is simply conjecture. In order for this 2-level adjustment to apply, the government would have needed to prove that (1) the images were, in fact, of this fifteen-year-old victim and (2) were made by the victim at Petitioner's request. Neither was admitted to by Petitioner.

This enhancement is found under 2G2.1(Production) Guidelines and not under the Guidelines Petitioner pleaded guilty to. It is a wholly inappropriate exploitation of the application of the Guidelines.

Counsel failed to argue or object to the 2-level increase, allowing an inappropriate Guidelines to stand. This was deficient representation.

**4. The Multiple Count Adjustment Under USSG 3D1.3 and 3D1.4 is Inappropriate**

Arguably the most egregious exploitation of the Guidelines is the application of a 4-level increase for multiple counts of conviction, applicable to the Guidelines found under 2G2.1 (Production) and not under Petitioner's admitted single count of receiving C.P. under 2G2.2 (Trafficking).

There would be no purpose for entering into a plea agreement in which several counts are dropped if the defendant is to be sentenced as if all the counts had been proven. This is the classic bait-and-switch scenario. For counsel to have allowed the 4-level increase to stand without objection, as if agreeing that is was applicable, is deficient representation, and but for counsel's

failure to advocate for her client there is a reasonable probability of a different outcome, namely, a lower applicable Guidelines range to frame the court's sentencing analysis.

**5. The Appropriate Offense Level was 30 or Less, Equating to a Maximum Advisory Guidelines Sentence of 97 to 121 Months**

The plea agreement clearly spelled out Petitioner's admissions of the charged offense—participating in activity that comprises the elements of receiving C.P. However, Petitioner does not admit to receiving material that was created at his request, and he does not admit to distributing or intending to distribute C.P. He admits to only receiving images and returning some of the images back to the source he received them from.

The admitted activity supports a base offense level of 22 under USSG 2G2.2(c)(2). **[22]** Since there is no evidence that he intended to distribute or traffic in the material received, a 2-level reduction under 2G2.2(b)(1) should have applied. **[-2]**. The offense obviously involved the use of an interactive computer service to receive the illicit material, so the 2-level increase under 2G2.2(b)(6) applies **[+2]**. A 4-level adjustment pertaining to the number of images found (328, of which 300 were applied because of four short videos) was applicable under 2G2.2(7)(c) **[+4]**. A downward 3-level adjustment for accepting responsibility under 3E1.1(a) and (b) is applicable. **[-3]**.

Thus, the total offense level which should have been found applicable is **[23]**; CHC I (an advisory Guidelines range of 46 to 57 months). But even if the court had determined that the 2-level reduction under 2G2.2(b)(1)(no intent to distribute) should not apply and/or that Petitioner sending the images he'd received back

to their source involved distribution of C.P. (a 5-level increase under 2G2.2(b)(3)(C)), the total advisory Guidelines range is at most [30], a range of 97 to 121 months.

Defense counsel are compelled "to devote careful attention to the potential complexities of the Guidelines at sentencing, thus providing the district court—which is ordinarily in the best position to determine the relevant facts and adjudicate the dispute—with the opportunity to consider and resolve any objections." Molina-Martinez(quoting Puckett v. United States).

Here, counsel fell well short of her constitutional obligation.

## C. SINCE PREJUDICE OCCURRED WHEN THE COURT FRAMED ITS SENTENCING ANALYSIS USING AN INCORRECT GUIDELINES RANGE, PETITIONER'S INEFFECTIVE ASSISTANCE OF COUNSEL CLAIM IS VALID

This Court held in Strickland v. Washington, that in order to establish ineffective assistance of counsel, a defendant must show (1) counsel's representation was deficient and (2) the deficiency was prejudicial to the defendant. Prejudice is demonstrated with "a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. A reasonable probability is a probability sufficient to undermine confidence in the outcome." 466 US at 694.

In Molina-Martinez, the Court held that the Guidelines range in most cases will affect the sentence. "When that is so, a defendant sentenced under an incorrect Guidelines range should be able to rely on that fact to show a reasonable probability that the district court would have imposed a different sentence under the correct range. That probability is all that is need to establish an effect on substantial rights..."

In the recent Hughes decision, the Court held that "a sentence pursuant to a Type-C plea agreement is 'based on' a defendant's Guidelines so long as that range was part of the framework that the district court relied on in imposing the sentence or accepting the agreement."

Therefore, the failure of counsel to object to an incorrectly calculated Guidelines range, including sentences pursuant to a specific range contained in a Type-C agreement, satisfies both prongs of the Strickland test for ineffective assistance.

Here, the district court utilized an uncontested, incorrect advisory Guidelines range of 39; CHC I, within the PSR to frame its sentencing analysis. Petitioner pointed to information in the discovery that was not presented to the court that would have altered the Guidelines. Counsel failed to present the evidence and refused to argue against the inapplicable enhancements that established the outrageous guidelines in the PSR.

Given these circumstances, Petitioner was denied his right to the assistance of counsel. Considering Petitioner's youth, his utter lack of criminal history, and his undisputed positive characteristics (e.g. Eagle Scout), but for counsel's deficient representation in ensuring the correct Guidelines were used, there is a reasonable probability of a substantially lower sentence, as counsel repeatedly assured him prior to sentencing. App. D, ¶¶ 22, 27,29. Instead, he likely received five additional years in prison.

In June of this year, Justice Sotomayer eloquently defined the problem of ignoring Guideline errors:

> "To a prisoner, this prospect of additional time behind bars is not some theoretical or mathematical concept. Any amount

> of actual jail time is significant, and has exceptionally severe consequences for the incarcerated individual and for society which bears the direct and indirect cost of incarceration." Rosales-Mireles v. United States.

An incorrect Guidelines calculation also casts doubt on the presumption of reasonableness when reviewing whether a sentence is "sufficient, but not greater than necessary." Rosales-Mireles (quoting 18 USC § 3553(a)).

## D. PETITIONER IS ENTITLED TO AN EVIDENTIARY HEARING

Petitioner "is entitled to an evidentiary hearing on a Section 2255 motion unless the motion, files, and records of the case conclusively show that [Petitioner] is not entitled to relief." 28 USC § 2255. A final order of a 28 USC § 2255 motion shall be subject to review, on appeal, by the court of appeals for the circuit in which the proceeding was held. 28 USC 2253(a). However, a certificate of appealability is required, stating the specific issue(s) in which the defendant has made a substantial showing of the denial of a constitutional right. 28 USC § 2253(c). If a district court denied a COA, the applicant may request a circuit court judge to issue it. Fed. R. App. P. 22(b).

Because the record fails to conclusively show that Petitioner is not entitled to relief, Petitioner should have been granted an evidentiary hearing on his §2255 motion. The assertions made by Petitioner, accepted as true, would demonstrate the denial of a substantial right—the right to the assistance of counsel. Petitioner's assertions are not contradicted by the record, inherently incredible, or conclusions rather than statements of fact.

But the district court dismissed the §2255 motion based not on the premise that Petitioner's assertions were untrue or incredible, but rather that "even if trial counsel's representation was deficient in [failing to argue incorrect Guidelines,... Petitioner] cannot demonstrate prejudice." App. B at p.5. According to this Court, that rationale for dismissal is incorrect. Petitioner was entitled to an evidentiary hearing on his 2255 motion.

The Eighth Circuit condoned the lower court's error when it failed to apply this Court's directive in Buck v. Davis, denying without explanation Petitioner's application for COA. Clearly, "reasonable jurists could debate (or, for that matter, agree that) the §2255 motion should have been resolved in a different manner." Since the district court's dismissal of Petitioner's §2255 motion was based on a premise in direct conflict with this very Court, "reasonable jurists" have already settled the issue, and did so in a manner at odds with the district court. A COA should have issued and the Eighth Circuit should have remanded the case back to the district court to hold the evidentiary hearing provided for by Title 28 of U.S. Code.

## CONCLUSION

Petitioner's 2255 motion asserted that he was denied the assistance of counsel, a substantial right, in part due to the fact that counsel failed to object to inaccurate Guidelines, which resulted in the young, first-time offender receiving an unfairly harsh sentence. The district court dismissed the §2255 motion improperly, directly refuting the holdings of this Court when it claimed that Petitioner could not demonstrate prejudice even if an

incorrect Guideline was used. The Eighth Circuit then sanctioned the departure of the district court from the usual course of judicial proceedings when it failed to grant the application for a COA. This Court's supervisory power is needed to fix an injustice for the young man involved and to send a clear message to courts handling similar claims.

Petitioner urges the Court to grant certiorari, holding that the failure to object to inaccurate Guideline calculations, including those found during sentencing proceedings conducted pursuant to a Type-C plea agreement, is ineffective assistance of counsel, and that Petitioner should have been granted the opportunity to present evidence pursuant to his §2255 motion or, at a minimum, been granted a COA to present his arguments.

Dated this 15th day of August, 2018.

Respectfully submitted,

Kenny Daniel Barrios
Pro Se