

No. 18-8879

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

APR 08 2019

OFFICE OF THE CLERK

Olusola Arojosoje — PETITIONER
(Your Name)

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Olusola Arojosoje Reg#41219-424
(Your Name)

Federal Prison Camp P.O. Box 1000
(Address)

Duluth, MN 55814
(City, State, Zip Code)

n/a
(Phone Number)

QUESTION(S) PRESENTED

- 1) Does 18 USC §§3664(O) and USC §§3742 give the district court jurisdiction to review a sentence which the restitution was calculated in violation of the law, even if the issue wasn't raised on Direct Appeal?

LIST OF PARTIES

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

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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Denying Review

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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

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

[] No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: March 7, 2019, and a copy of the order denying rehearing appears at Appendix _____.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

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

For cases from **state courts**:

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.

[] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

18 U.S.C. §§3664(o)

18 U.S.C. §§3747

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

STATUTES AND RULES

18 U.S.C. §§3664(o)	Statement of the case
18 U.S.C. §§3747	Statement of the case

OTHER

STATEMENT OF THE CASE

On 4/16/2018 I filed a motion to "correct/amend restitution," in which I argued that the \$1.028 million restitution judgment was based on intended loss instead of actual loss.

The district court denied the motion in a written order dated 4/19/2018. The district court held that it "lacks authority to entertain Defendant's motion" under Bania, 787 F.3d at 1171-72. (holding that a defendant must appeal a restitution order within the time frame imposed by Rule 4(b).)

On 5/7/2018, I filed a Notice of Appeal with the Seventh Circuit.

On 6/26/2018 Appellant's brief filed by Olusola Arojojoye.

On 9/10/2018 Appellee's brief filed by Adrianna D. Kastanek.

On 10/1/2018 Appellant's reply brief filed by Olusola Arojojoye.

On 1/8/2019 Order of final judgment filed.

On 2/4/2019 After contacting the clerk of court of Appeals, the Petitioner is told a judgment was entered on 1/8/2019 but Petitioner never received a notice in the mail and the Petitioner requested the clerk to send a copy of that judgment.

On 2/15/2019 Petitioner finally received the order of the judgment from the court on 1/8/2019.

On 2/18/2019 Petitioner sends Notice of Appeal to the Seventh Circuit Court of Appeals.

On 3/6/2019 Notice of Appeal filed by Appellant Olusola Arojojoye

On 3/7/2019 An order is entered by the court that the petitioner should file a Petition for Certiorari with the United States Supreme Court in Accordance with Supreme Court rules.

REASONS FOR GRANTING THE PETITION

To correct an injustice and violation of the law by having to pay a restitution amount greater than the amount allowed by law.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Oluseb Alwoyx

Date: 4/4/2019