

No. _____

19-7304

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

Anthony Michael Salazar — PETITIONER
(Your Name)

vs.

United States of America — RESPONDENT(S)

FILED
OCT 23 2019
OFFICE OF THE CLERK
SUPREME COURT, U.S.

ON PETITION FOR A WRIT OF CERTIORARI TO

Tenth Circuit Court of Appeals

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

PETITION FOR WRIT OF CERTIORARI

Anthony Michael Salazar
(Your Name)

FCC Petersburg - Medium, P.O. Box 1000
(Address)

Petersburg, VA 23804
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

The Court of Appeals erred in denying a Certificate of Appealability when Petitioner is incarcerated on an illegally-imposed sentence in light of United States v. Haymond.

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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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 A to the petition and is

reported at _____; or,

has been designated for publication but is not yet reported; or,

is unpublished. 2019 U.S. App. LEXIS 24448 (10th Cir. Aug 16, 2019)

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is unpublished.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is unpublished.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is unpublished.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 8/16/2019

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: 8/30/2019, and a copy of the order denying rehearing appears at Appendix A.

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. § 2250

18 U.S.C. § 3583(k)

STATEMENT OF THE CASE

Mr. Salazar's supervised release was revoked by facts found by a judge by preponderance of the evidence. The District Court sentenced Mr. Salazar to five (5) years' incarceration and an additional 5 years' supervised release.

REASONS FOR GRANTING THE PETITION

18 U.S.C. § 2250 carries a maximum of 10 years, and 18 U.S.C. § 3583(h) govern revocations of supervised release. After this Court's decision in Haymond, a plurality decision not applying Apprendi and Alleyne, the Haymond decision created a new substantive Rule and, thus, makes Mr. Salazar's § 2255 timely. This Court should grant, vacate, and remand for further considerations consistent with this Court's decision in Haymond.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Anthony Sala

Date: 10-22-19