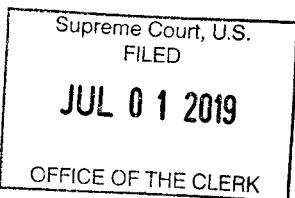


No. 19-7844 ORIGINAL



IN THE

SUPREME COURT OF THE UNITED STATES

Buck Otto White — PETITIONER
(Your Name)

United States of America — RESPONDENT(S)
vs.

ON PETITION FOR A WRIT OF CERTIORARI TO

Eighth Circuit Court of Appeals

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

PETITION FOR WRIT OF CERTIORARI

Buck White # 07901-041

(Your Name)

United States Penitentiary, Lompoc
3901 Klein Blvd

(Address)

Lompoc California 93436

(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

- Was it an abuse of discretion to sentence Buck White to 210 months on demand when the statutory maximum ~~was~~ is "10" ten years or 120 months?
- did the 8th circuit court of appeals side in the first question by affirming

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:

RELATED CASES

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decision of Eighth Circuit COA.

APPENDIX B

Statement of Reasons Document #107 US District Court Docket

APPENDIX C

(inmate unable to retain or copy per BOP Policy)

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TABLE OF AUTHORITIES CITED

CASES

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18 USC § 3742(g)(2)(A)

United States V. Booker 543 US 220

Pepper V United States 562 US 476 US (2011)

United States V. Andrews 390 F840, 852 (5th Cir 2004)

STATUTES AND RULES 18 USC § 3742(g)(2)(A)

When a sentence is set aside on appeal, the district court to which the case is remanded:

Shall not impose a sentence outside the applicable guideline range except upon the ground that -
(A) was specifically and affirmatively included in the written statement of reasons required by section 3553(c) in connection with the previous sentencing of the defendant prior to appeal.

OTHER Appendix B

~~REMANDED~~ Docket #107 Statement of reasons Feb. 13.15
from District Court Docket original Sentence remanded
was all concurrent sentences.

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.

The opinion of the United States district court appears at Appendix B 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 12/12/2018.

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: 02-05-2019, 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 July 5 2019 (date) on Sept 1 2019 (date) in Application No. 18 A 1105.

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 USCS § 3742 (g)(2)(A)

(g) Sentencing on Remand

(2) The court shall not impose a sentence outside the applicable guideline range on the ground that

(A) was specifically and affirmatively included in the original statement of reasons required by Section 3553 C in connection with the previous sentencing of the defendant prior to appeal

STATEMENT OF THE CASE

Between Feb & March 2013 I was searched and indicted for possession of ammo and firearms. I was found guilty April 25th 2014 and sentenced with an ACCA enhancement to 300 months all counts concurrent with a downward departure of 34 months off the guideline sentence (DOC 106)

on 5-2-2016 I timely filed a motion to vacate 28 USC §2255. The Government conceded that I did not meet the criteria for the ACCA enhancement. Probation revised my PSR and suggested a guideline sentence of 100-150 @ Level 8b with a Statutory Maximum of 10 years.

On 10-17-2017 on resentencing District Court gave me Consecutive sentences to achieve an ACCA like sentence of 210 months counts 1 & 3 concurrent counts 2 & 4 consecutive to 1 & 3

On 12-12-18 Eighth Circuit Court of Appeals affirmed my timely Appeal

On 4-26-19 I was granted an extension.

I timely filed the exact writ of Certiorary in ~~Jan 19~~ Feb 19. On Feb 1 2020 I sent an inquiry as to my Writ of Cert's possession I am now ~~re~~ submitting my petition with a declaration of timely filing per Rule 29.2 & Clerk's response letter

REASONS FOR GRANTING THE PETITION

This question before the court is a ripple effect of this courts ruling of Johnson and A.C.C.A. enhancements, the lower courts appear to be manipulating words to get an "ACCA Like" sentence by replacing ⁽⁹²⁻⁴⁾ 92-4(e) with words like "Stacking", "Consecutive Sentences" and egregious Criminal history Rule 4A1.3 to enthrall district court Judge with Smoke and mirrors none of those reasons were stated or checked in my original Statement of reasons, To Stop further Abuse of discretion and manipulation of this courts ruleing is sufficient reason to grant this petition.

I pray that my lack of education in law and criminal procedure does not influence the clarity of this issue. Thank you Buck White

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 2-17-20