

19-7873

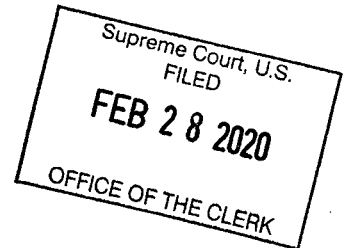
No. \_\_\_\_\_

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

DERRICK MICHAEL ALLEN SR.  
(Your Name) — PETITIONER



vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS, FOR THE 4TH  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE) CIRCUIT.

PETITION FOR WRIT OF CERTIORARI

DERRICK MICHAEL ALLEN SR.  
(Your Name)

P.O. Box 25419  
(Address)

DURHAM, N.C. 27702  
(City, State, Zip Code)

919-450-7497  
(Phone Number)

### QUESTION(S) PRESENTED

I, MR. ALLEN, APPEAL ASKED WHETHER THE GOVERNMENT MUST PROVE A DEFENDANT'S KNOWLEDGE OF HIS PROHIBITED STATUS IN ORDER TO CONVICT UNDER 18 U.S.C. 922(g). IN REITAF, THE SUPREME COURT CONCLUSIVELY ANSWERED THAT QUESTION "YES."

SHOULD THE CASE BE REMANDED TO THE DISTRICT COURT FOR ENTRY OF JUDGMENT OF ACQUITTAL, AS OPPOSE TO AN DISMISSAL?

## 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

SEE, REHAIF V. UNITED STATES, — U.S. —, 139 S. CT. 2191, 2194 (2019).

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### STATUTES AND RULES

18 U.S.C. 922(g)(8)  
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### OTHER

BRIEF OF PETITIONER, REHAIF V. UNITED STATES  
NO. 17-9560 (U.S. FEB. 22, 2019)  
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STATES, NO. 18-7123 (U.S. DEC. 17, 2018).

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 USCA4 17-4762; 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☐ is unpublished.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 1:17 CR 000157; 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☐ is unpublished.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 01/10/2020.

☒ No petition for rehearing was timely filed in my case. (2<sup>nd</sup> TIME AROUND)

[ ] A timely petition for rehearing was denied by the United States Court of Appeals 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. § 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**

UNITED STATES CONSTITUTION, AMENDMENT

IV.

UNITED STATES CONSTITUTION, AMEND-  
MENT VI.



## STATEMENT OF THE CASE

THIS CASE WAS REMANDED BY THE UNITED STATES SUPREME COURT in light of REHAIF V. UNITED STATES [17-9560]; HOWEVER, THE COURT OF APPEALS FOR THE 4<sup>TH</sup> CIRCUIT HONORED THE GOVERNMENT'S DISMISSAL AS OPPOSE TO GRANTING AN ACQUITTAL. DEFENDANT, I --- DERRICK M. ALLEN SR., RESPECTFULLY REQUEST OF THE U.S. SUPREME COURT TO ENTER AN JUDGMENT OF ACQUITTAL.

**REASONS FOR GRANTING THE PETITION**

GRANTING MY REQUEST WILL  
ASSIST IN PURSUING AN CERTIFICATE  
OF INNOCENCE IN ACCORDANCE WITH  
28 U.S.C. 2513

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Derrick M. Allen Sr.

Date: 2/28/2020