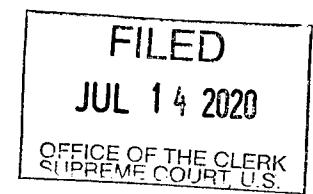


ORIGINAL

No. 20-5205



IN THE
SUPREME COURT OF THE UNITED STATES

Jamaal Lewis — PETITIONER
(Your Name)

vs.

Hector Joyner — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Court of Appeals for the Sixth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jamaal Lewis, Sr.
(Your Name)

P.O. Box 2068
(Address)

Inez, KY 41224
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

- I. Whether it was Congress' intent for the U.S. Parole Commission to determine the parole eligibility date of federally-transferred military inmates.
 - A. Whether the term "exclusive jurisdiction" is open to interpretation.
- II. Whether the different appellate courts have the authority to interpret 10 USC § 858(a) as they see fit or was the interpretation restricted by previous rulings.
- III. Whether the repealed Sentencing Reform Act applies to federally-transferred military inmates – and – whether the appellate courts have to enforce it.
- IV. Whether the U.S. Parole Commission's Rules and Procedures Manual is the authority for the parole eligibility dates of federally-transferred military inmates.
- V. Whether 10 USC 858(a) incorporates USC § 4202 and § 4205 for parole considerations of federally-transferred military prisoners even though the Sentencing Reform Act is repealed.

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

- Lewis v. Kizziah, No: 7:17-cv-00006-KKC
U.S. District Court, Eastern District of Kentucky Judgment entered: 2/20/19
- Lewis v. Joyner, No: 7:19-36-REW
U.S. District Court, Eastern District of Kentucky Judgment Entered: 10/22/19
- Lewis v. Joyner, No: 19-6381
U.S. Court of Appeals for the Sixth Circuit Judgment Entered: 6/1/20

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A Court of Appeals for the Sixth Circuit decision

APPENDIX B U.S. District Court, Eastern District of Kentucky decision

APPENDIX C Copy of the order denying a rehearing

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<u>Bates v. Wilkinson,</u> 267 F. 2d 779, 780 (5 th Cir. 1959)	1, 3
<u>Holt v. Terris,</u> 269 F. Supp. 3d 788 (E.D. Mich 2017)	3,
STATUTES AND RULES	
10 U.S.C. § 858(a)	1, 2, 3, 5,
18 U.S.C. § 4202-4203	4, 5
18 U.S.C. § 4205	4, 5
OTHER	
U.S. Parole Commission's Rules and Procedure's Manual	4, 5, 6
Sentencing Reform Act	3, 5

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 6/1/2020.

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: 6/1/2020, and a copy of the order denying rehearing appears at Appendix C.

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

Title 10 USC § 858(a)- Article 58 controls the place of confinement for military prisoners sentenced by a court-martial.

The lower courts denied the petitioner's briefs based on the Sentencing Reform Act being repealed. This is erroneous based on the legislative history of 10 USC § 858(a) explained in Bates v. Wilkinson. Until recently, the courts construed § 858(a) to incorporate 18 USC § 4202- § 4203, and § 4205, which meant the U.S. Parole Commission determined the Parole Eligibility Date (PED) of federally-transferred military inmates.

Since the Court of Appeals for the Sixth Circuit's recent decision disputes other appellate courts, viz., 5th Circuit, 10th Circuit, and ultimately its own, this Honorable Court is being asked to:

1) Determine the will of Congress regarding PEDs of federally-transferred military inmates, and 2) Determine if the SRA still applies even though it is repealed.

STATEMENT OF THE CASE

Both lower courts denied the petitioner's brief based on the fact that the Sentencing Reform Act was repealed. This is erroneous, more importantly this directly defies the will of Congress and subjects federally transferred military inmates to Department of Defense standards and not the Department of Justice.

Neither court used caselaw to support their argument and the Court of Appeals issued an opinion that is in direct opposition to their previous rulings. They did not state their reason for divergence. Just 18 months prior in Holt v. Tarris, the court denied Holt for the exact opposite reason.

Since their decision contradicts the 10th 5th, and ultimately the 6th Circuit itself, this Honorable Court is being asked to interpret the will of Congress in regards to 10 USC § 858 (a) and compel the lower courts to enforce it uniformly, -and- to ORDER the U.S. Parole Commission to apply Subpart A, § 2.1 (f) of its Rules and Procedures Manual to every military inmate.

REASONS FOR GRANTING THE PETITION

The Petitioner asserts that this decision affects every federally-transferred military inmate, both present and future. The will of Congress is being circumvented by the FBOP and the U.S. Parole Commission. Furthermore, the USPC does not deny it.

The issue of the application of the Sentencing Reform Act and its repeal should be made uniform across the appellate courts as the decision of the Court of Appeals is in direct contradiction to the 10th, 5th, and 6th circuit precedent.

Moreover, the Court of Appeals denial without citing caselaw is egregious as it ruled against its own precedent and refused to apply the exact law it used just 18 months earlier in Holt v. Terris. This is a classic example of "heads I win, tails you lose." If an appellate court does not have to follow its own precedent, why should the district courts?

Finally, petitioner argues that a decision from this Honorable Court will unify the future decisions of the appellate courts and allow federally-transferred military inmates to enjoy equal protection under the law.

Based on the language of 10 USC § 952 and the failure of Congress to amend 858(a), the courts found that 858(a) does incorporate the federal parole eligibility standards of 18 USC § 4202. (See: Attached)

CONCLUSION

The petition for a writ of certiorari should be granted.



Respectfully submitted,

Jamaal Lewis

Date: 13 July 20