

No. 20-5474

**ORIGINAL**

IN THE  
SUPREME COURT OF THE UNITED STATES

Montez L. Clayton — PETITIONER  
(Your Name)

FILED  
JUL 20 2020  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

vs.  
United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States District Court Western District of Missouri - Kansas City  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Montez L. Clayton  
(Your Name)

United States Penitentiary McCreary P.O. Box 3000  
(Address)

Pine Knot, KY 42635  
(City, State, Zip Code)

(606)-354-7000  
(Phone Number)

QUESTION(S) PRESENTED

1. Why was i sentenced to 240 months when my criminal history is not so bad and this is the First time i ever been to Prison?
2. The Judge said he appreciate me telling the truth from the beginning and admitting everything about the robberies and by me being honest it will Save me years of time in prison but then turn around and give me the high end of the sentence and go way over my guidelines?
3. Why didn't my lawyer object to anything the prosecutor said or asked the judge to do why was my counsel ineffective?

## 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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## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
King V. United States	595 F.3d 844, 853 (8th Cir 2010)
Quaman V. United States	67 F.3d 157, 162 (8th Cir 1995)
Lombard v. Lynaugh	868 F.2d 1475 (5th Cir 1989)
Johnson V. Mitchell	585 F.3d 923-941-93 (6th Cir 2009)
West V. United States	994 F.2d 510 (6th Cir 1993)

## STATUTES AND RULES

Due to the Covid-19 im not able  
to go to the Law Library and study and  
to find the correct information and to  
find related cases that relates to my case.  
I tryed my best from what i know. I'm sure  
you know cases that relates to my case.  
From previous case that has been published  
and has won in Court please help me  
thanks

OTHER

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 \_\_\_\_\_ 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 March 20, 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: \_\_\_\_\_, 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

Due to Covid-19 im not able to gather the correct information i need to provide constitutional/provisions, treaties statutes, ordinances and regulations involved in my case. I'm not allowed to go to the law library i don't get the time to study. I'm on lock down most of the day every day its very difficult and stressful i pray you understand thanks alot.



#### STATEMENT OF THE CASE

It's a fact that i was over sentenced. The judge give me a harsh sentence. The judge said he thank me for telling the truth about everything and being honest. He said by me telling the truth it's going to save me years of time in prison but gives me 20 years. All i ask is that that supreme Court look over my case and see that this is my first time in prison my criminal history is not bad. It's clear the judge didn't go by my guide lines and it's also clear my counsel was ineffective and did not object at all. I know what i did was wrong i admitted every thing i did. all im asking is to get a reasonable sentence. I can see if i went to trial and got 20 years but i didn't go to trial because i took full responsibility from day one. Please Supreme Court see that im being genuine. Please know im doing the best, can due to the fact i can't get to the Law Library and gather information because of Covid-19 and Lockdowns.

## REASONS FOR GRANTING THE PETITION

The reason i feel the Court should grant certiorari is because it's clear i was over sentenced. I feel it's not fair to be sentenced by a judge who never goes by the guide lines. Every person i know of who were sentenced by Gregory Kay was over sentenced. I know most of them african American. I'm sure im not the only one who wrote the Supreme Court and asked them to over look my case. I'm just asking to be judged and sentence correctly. My criminal history is not bad like a career offender or someone who been to prison alot or several times this is my first time. I took full responsibility from day one and told the truth and didnt play games with the government please have mercy on me. Due to covid-19 im not able to get to the law library and study and find the correct information to show how my case is in conflict with decisions of another appellate court and the importance of my case and others similarly situated. It's been difficult ive tried my best im locked down most of the day every day i pray you will understand God Bless

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Montez L Clayton

Date: 7-20-20

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

IN THE  
SUPREME COURT OF THE UNITED STATES

Montez L. Clayton — PETITIONER  
(Your Name)

VS.

United states of America — RESPONDENT(S)

**PROOF OF SERVICE**

I, Montez L. Clayton, do swear or declare that on this date, July 20, 2020, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 20, 2020

  
(Signature)