

20-5753

No. 7:08-CR-00043-D-I

IN THE  
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.  
FILED

SEP - 4 2020

OFFICE OF THE CLERK

KUNTA K. REED — PETITIONER  
(Your Name)

vs.

UNITED STATES — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

KUNTA K REED  
(Your Name)

EASTERN DISTRICT OF NORTH CAROLINA  
(Address)

RALEIGH, N.C. 27611  
(City, State, Zip Code)

(919) 856-6236  
(Phone Number)

## QUESTION(S) PRESENTED

Whether we, the Petitioner, is entitled to relief from denial 404 motion at the District Court level in light of the First Step Act, December 21st, 2018. Section 404 "state" any person who was sentenced before August 3rd, 2010, is now entitled to a reduced sentence due to the crack cocaine calculation should be adjusted from 100/1 to 18/1. Due to the nature of congress provisions of due process constitutionally retroactive scheduled. Due to my presentence investigation report shows that my case qualified for stature modification under the disparity of crack cocaine. Under Congress' guidelines policy 18 U.S.C. § 3553-A 28 U.S.C. § 994(f) and § 991(b)(1), the maximum of the guideline range cannot exceed the minimum by more than 25 percent or six months correctly applied under 28 U.S.C. § 994(b)(2), also violating the Sixth Amendment.

## **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:

## 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 DISTRICT COURT 404 FIRST STEP ACT

APPENDIX B DENIAL IN THE DISTRICT COURT

APPENDIX C APPEAL COURT 404 FIRST STEP ACT 18/1

APPENDIX D APPEAL COURT DENIAL

APPENDIX E

APPENDIX F

## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
FREEMAN V. UNITED STATES	
UNITED STATES V. BOOKER	
MOLINA-MARTINEZ V. UNITED STATES	
DORSEY V. UNITED STATES	
RITA V. UNITED STATES	

## STATUTES AND RULES

FREEMAN V. UNITED STATES 564 U.S. 522 - 2011
UNITED STATES V. BOOKER 543 U.S. 220
MOLINA-MARTINEZ V. UNITED STATES 578 U.S.
DORSEY V. UNITED STATES 567 AT U.S. 260, 269 (2012)
RITA V. UNITED STATES 551 U.S. 338

## 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 C to the petition and is

reported at FOURTH CIRCUIT COURT OF APPEALS; 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 A to the petition and is

reported at EASTERN DISTRICT COURT NORTH CAROLINA; 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 NA 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 NA 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 AUGUST 25 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 AUGUST 25, 2020 (date) on AUGUST 25 2020 (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 NA.

A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix NA.

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 NA.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The First Step Act, 404, under the section 404, 18/1 crack cocaine disparity constitutionality congress provision retroactive due process fair sentencing act reform. Fair Sentencing Act Motion 3582-C-2 statute modification. As of today section 404 any person sentenced before August 3rd, 2010 is now entitled to a 100/1 now to 18/1 also allows resentencing to a statutory range to 5 to 40 years, not ten to life anymore with the new change of law under the First Step Act! My criminal history now shows a level 32-section-2 97 months to 121 months, I have already done 132 months in prison, this is "wrong" imprisonment under this statutory range under this provision involving my sentencing!

## STATEMENT OF THE CASE

Due to retroactive due process under the Fair Sentencing Act 404, my P.S.R. shows I do qualify for the Fair Sentencing Act, I was sentenced before August 3rd, 2010, my sentencing date was July 9th, 2009, so I am entitled to immediate release! I have no career offender statutes or guns statutes or violence, zero points as well for non-violence. My partial transcript shows that I am not a dangerous felon, my P.S.R. shows that I should have been out of prison two years ago. I was not ever sentenced under the 18/1 crack disparity, December 21st, 2018 congress passed the provision 18/1 from 100/1, I am entitled to immediate release! My public defender filed this motion 3582-C-2 with support "Katherine Shea" showing the court on May 29th, 2019 that I do qualify for the First Step Act 2018, December 1st.

## REASONS FOR GRANTING THE PETITION

Reasons for granting this petition due to statute modification and crack disparity that currently scheduled retroactive due process under the Fair Sentencing Act Reform, First Step Act. The nature under congress provision now call for Habeas Corpus due process clause under the Fifth Amendment failure to rule on a judgement. This is also a civil code 1291-final decisions of a district court chapter 83. The lower courts failure to enter a judgement so therefore I am being held in confinement without the court exercise any review of the law on the record, this shows racism. But my reasons for granting this petition, crack disparity have changed and I have never been sentenced to 18/1 for the crack disparity. I already had a commuted sentence, executive grant of clemency , January 17, 2017 that change my sentence to a career offender that I dont qualify for, I am not a career offender, 188 months my case has been long-ignored, the racist and ignoring of the law of the land, legislation have made the First Step retroactive, I was supposed to be out of prison two years ago under the 18/1 and two level reduction 782 and 3582-C-2 motion my sentence calls for immediate release from the highest "court", Supreme Court. Also acknowledge that a judicial complaint under 28 U.S.C. § 351 of misconduct was filed against my sentencing Judge James Never, case number: 04-19-90082, was filed several times the last judicial complaint was May2nd, 2019 in the appeal court and was forwarded to an.appropriate Judge for action. My sentencing Judge wont follow due process involving constitutional duties of the law. Obstruction of justice and conflict of interest and misrepresentation by my sentencing Judge causing my release from prison!!.

My conclusion for the writ of certiorari should be granted, I am being overimprisoned, the 782 two level reduction and the 18/1 crack amendment section 404 First Step Act authorizes a lower sentence in my case. My P.S.R. shows that the U.S. probation filed for the two level reduction as well as the and was granted under the appeals courts and sent back to the District Court for Resentencing by three appeals Judges, Motz, King and Wynn by the motion appeal by leave in forma pauperis, my Judge James Deyer III showed racism with denying the motion from the appeals courts under 782 3582-c-2 Motion two level reduction, this is why I should be granted this motion. I was supposed to have been out of prison two years ago under the Fair Sentencing Act with immediate release.

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

KUNTA KEPPE REED

Date: Aug 25 2020