

20-5864

CONFIDENTIAL

No

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| Supr.  |
| SEP 13 |
| OFFICE |

In the  
Supreme Court of the United States

Peter George Noe

vs

United States of America

on Petition for a writ of cert to

8<sup>th</sup> circuit court of appeals

Peter George Noe #10849-041

United States Prison/Max

P.O. Box 8500

Florence, CO, 81226-8500

|                                            |
|--------------------------------------------|
| <b>RECEIVED</b>                            |
| SEP 30 2020                                |
| OFFICE OF THE CLERK<br>SUPREME COURT, U.S. |

## Question Presented

#1 Did the panel abuse its Discretion by denying a certificate of appealability when there is a conflict in the District courts on the issue and 'jurists of reason disagree'.

## List of Parties

All parties appear in the caption of the case on the cover page.

## Table of contents

Opinion Below 1

Jurisdiction 2

Constitutional and Statutory provisions involved 3

Statement of the case 4-5

Reasons for granting the writ 6

## Index to appendices

APPENDIX (A) 8<sup>th</sup> Cir Ruling Deny C.O.A.

APPENDIX (B) Dist court ruling.

## Table of Authorities cited

| Cases                                                                           | Page No   |
|---------------------------------------------------------------------------------|-----------|
| United States v. Cantu No 1:05-cr-458-1 2019 WL 2498923 (S.D. Tex June, 17, 19) | page 4, 5 |
| United States v. Maumau 2020 U.S. Dist Lexis 28392 D Utah 2020                  | page 4, 5 |

## Statutes and Rules

HR 5682 First Step Act 2018 4, 5  
3582 (C)(1)(A)

In the  
Supreme Court of the  
United States

Petition for writ of Certiorari

Petitioner respectfully prays that a  
writ of certiorari to review the  
judgement below will be issued

Opinions Below

Federal Courts;

The opinion of the United States  
Court of Appeals appears at  
Appendix (A) to the petition and  
is unpublished.

The opinion of the District Court  
appears at Appendix (B) and is  
unpublished

## Jurisdiction

The united states court of  
appeals decided my case on  
Sept, 1, 2020

No petition for rehearing was  
timely filed in my case

The jurisdiction of this court  
is invoked under 28 u.s.c.  
1254(1)

constitutional and statutes  
Involved.

HR 5682 First Step act  
3582 (c)(1)(A)



## Statement of the case.

Noe filed a motion at the District court for a reduced Sentence. Noe cited several recent cases giving the court the authority to reduce a Sentence due to the changes in the compassionate release made by the first step act HR 5682. The cases cited by Noe are; United States v Cantu No 1:05 CR 458-1 2019 WL 2498923 and United States v Maumau 2020 U.S. Dis Lexis 28392 (D. Utah 2020.) There are now hundreds of cases that have followed the reasoning of the court in United States v Cantu, Id. and U.S. v Maumau, Id.

The District court in Noes case

went against all of those cases and ruled instead that Noes 3582 (C)(1)(A) was a second and successive 2255 motion that was unauthorized. The District court never addressed the cases Noe pointed to or why the court disagreed with their opinion. C.O.A. was denied.

Noe filed a timely appeal and asked the 8<sup>th</sup> circuit to grant C.O.A. because the district courts ruling conflicts with every court to have addressed the issue.

The 8<sup>th</sup> circuit denied C.O.A.

C.O.A. should have been issued as there are "jurist of reason that disagree"

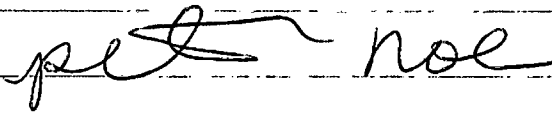
## Reasons for granting the writ

This honorable court should grant cert and remand this case back to the 8<sup>th</sup> circuit so they can reach the merits and prevent injustice.

Conclusion

The Petition for a writ of  
certiorari should be granted

Respectfully Submitted

 Noel

Date Sept, 11, 2020