20-6261

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

_____

DAMIEN EDWARD DESJARDINS — PETITIONER
(Your Name) RACINE

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

DAMIEN EDWARD DESJARDINS RACINE
(Your Name)

P.O. Box 1000
(Address)

MILAN, MI 48226
(City, State, Zip Code)

INCARCERATED, FCI MILAN
(Phone Number)

QUESTION(S) PRESENTED

(1) Does A Diagnosis of Asthma Give Rise To An Extraordinary and Compelling Reason Pursuant To [1B1.3] of the Sentencing Guidelines?

(2) Did The Passage of the First Step Act Bind The District Court On Discretion Used To Determine Extraordinary and Compelling Reasons Absent a Updated Pertinent Policy?

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

20-1530 ⇒ Appeal From Sixth Circuit

2:18-CR-45 ⇒ District Court Opinion

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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 _____ 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[✓] is unpublished.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[ ] is unpublished.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[ ] is unpublished.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[ ] is unpublished.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 _____.

[✓] 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:** N/A

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).

JURISDICTIONAL STATEMENT

THIS petition request is timely for the purpose of 28 U.S.C. & 2101(c), where Jurisdiction lies thereupon and consistent with Rule {13] of the SUPREME COURT RULES of procedure.

TABLE OF AUTHORITIES CITED

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STATEMENT OF THE CASE

DAMIEN DESJARDINS RACINE pleaded guilty to possession with intent to distribute 5 or more grams of methamphetamine, in violation of 21 U.S.C. 846, 841(a) and the Court imposed a 87 month sentence and four years supervised release. RACINE has served almost half his prison sentence already and is a sitting duck in Federal Prison because of his underlying health concerns, specifically his Asthma.

Because of the Pandemic and a host of other factors to include facility(s) housing him, Racine's claims all give rise to the underlying request from the High Court thereof. Both the District Court and the Applette Court agree that Racine has exhausted his administrative remedies accordingly. But the problem is not jurisdictional. It's in connection with the absenteeism of the Sentencing Commissioner that should of promulgated a updated pertinent policy statement, but did not, resulting in the scattershot of inmates filing for compassionate release and the District Court is not equipped to adjudicate without the guidance from the Supreme Court, absent a policy commissioner. And judges are systematically denying prisoners due process of law because the statements are a relic of distant times and new updates may or may not be needed, therefore Racine belives that this petition is ripe for it's cause.

REASONS FOR GRANTING THE PETITION

IT SEEMS that District Courts are deciding cases based off of old data with respect to the pertinent policy statements, and there is no definitive way to take into consideration the facts that are hindering inmates from current policy review because the current policy statements have became somewhat obsolete with the passage of the First Step Act, making the Congressional efforts to quell the prison population futile. That is what is exactly going on here. Racine's underlying opinions from the District Court and Appeals Court are proof that judges are doing the such and it undermines the efforts set forth by the Attorney General pursuant to the CARES ACT, to soften the overcrowding at the prisons. Therefore, a Certiorari is needed.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Damien Edward DesJardins Racine

Date: 10/9/2020