

No. 20-6909

Supreme Court, U.S.

FILED

JUL 17 2020

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IN THE  
SUPREME COURT OF THE UNITED STATES

BRIAN GALE — PETITIONER

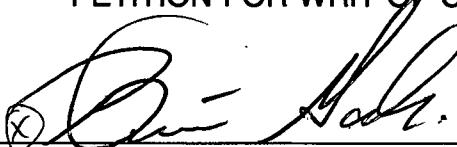
vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

ON APPEAL FROM THE U.S. FOURTH CIRCUIT COURT OF APPEALS

PETITION FOR WRIT OF CERTIORARI

  
Mr. Brian Gale—Petitioner

UNITED STATES PENITENTIARY TERRE HAUTE

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**QUESTION(S) PRESENTED**

"WHETHER HOBBS ACT ROBBERY QUALIFIES AS A "CRIME OF VIOLENCE"? , WHERE THE DISTRICT COURT FAILED TO ADVANCE ANY THEORY (i.e. "residual clause, force clause, or elements clause) DURING THE PROSECUTION?; and "WHETHER HOBBS ACT ROBBERY QUALIFIES AS A REQUISITE CRIME OF VIOLENCE FOR 18 U.S.C. 924(c)(3)(A) PURPOSES?

## **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**

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## TABLE OF AUTHORITIES CITED

### CASES

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JOHNSON vs. U.S., 125 S.CT 2551 (2015)

UNITED STATES vs. DAVIS, 139 S.CT. 2319 (2019)

### STATUTES AND RULES

18 U.S.C. 924(c)(1)  
18 U.S.C. 1951(a)  
28 U.S.C. 2255

### 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 is unpublished.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 is unpublished.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 April 21, 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**

**U.S. FIFTH AMENDMENT RIGHT TO DUE PROCESS OF LAW**

## **STATEMENT OF THE CASE**

The Statement of this case, is clearly outlined within the U.S. Fourth Circuit Court of Appeals decision, denying Petitioner Brian Gale appropriate relief.

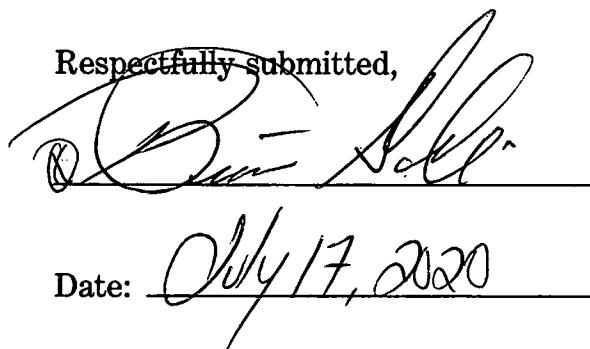
## **REASONS FOR GRANTING THE PETITION**

The U.S. Fourth Circuit Court of Appeals decision conflicts with the decisions made by other appellate court's and the issue should be resolved by the U.S. Supreme Court.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Brian Schell

Date: July 17, 2020