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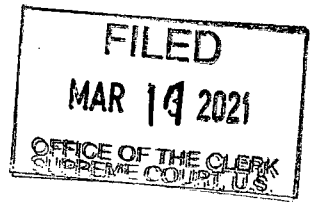

IN THE

SUPREME COURT OF THE UNITED STATES

Isaac Lee Loggins, Jr. — PETITIONER
(Your Name)

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Eighth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Isaac Loggins #08554-030
(Your Name)

FCI Herlong - P.O. Box 800
(Address)

Herlong, CA 96113
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

I. How do we determine if a person or their circumstances are extraordinary and compelling?

II. Did the lower courts and his assigned counsel prejudice Loggins by not following well-established procedures and, instead, making decisions for their own convenience?

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

Pepper v United States, 562 US 476 (2011)
United States v Brown, 411 F. Supp. 3d 446 (S.D. Iowa, 2019)
United States v Cantu, 2019 US Dist LEXIS 100923 (S.D. Tex, 2019)
United States v Chan, 2020 US Dist LEXIS 56232 (N.D. Ca, 2020)
United States v Haynes, 2020 US Dist LEXIS 71021 (E.D.N.Y., 2020)
United States v Littrell, 2020 US Dist LEXIS 130764 (E.D. Mo. 2020)
United States v Maumau, 2020 US Dist LEXIS 28392 (D. Utah, 2020)
United States v Redd, 2020 US Dist LEXIS 45977 (E.D. Va., 2020)
United States v Smith, 2020 US Dist LEXIS 86008 (D.C. Cir., 2020)
United States v Urkevich, 2019 US Dist LEXIS 197408 (D. Neb, 2019)

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TABLE OF AUTHORITIES CITED

CASES — PAGE NUMBER

N/A

STATUTES AND RULES

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 966 F.3d 891; 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 B to the petition and is

[√] reported at UNKNOWN; 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 31/JULY/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: 2/NOV/2020, and a copy of the order denying rehearing appears at Appendix C.

[ ] 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

18 USC §3582(c)(1)(A)(i)

(c) MODIFICATION OF AN IMPOSED TERM OF IMPRISONMENT. — THE COURT MAY NOT MODIFY A TERM OF IMPRISONMENT ONCE IT HAS BEEN IMPOSED EXCEPT THAT —

(1) IN ANY CASE —

(A) THE COURT, UPON MOTION OF THE DIRECTOR OF THE BUREAU OF PRISONS, OR UPON MOTION OF THE DEFENDANT AFTER THE DEFENDANT HAS FULLY EXHAUSTED ALL ADMINISTRATIVE RIGHTS TO APPEAL A FAILURE OF THE BUREAU OF PRISONS TO BRING A MOTION ON THE DEFENDANT'S BEHALF OR THE LAPSE OF 30 DAYS FROM THE RECEIPT OF SUCH A REQUEST BY THE WARDEN OF THE DEFENDANT'S FACILITY, WHICHEVER IS EARLIER, MAY REDUCE THE TERM OF IMPRISONMENT (AND MAY IMPOSE A TERM OF PROBATION OR SUPERVISED RELEASE WITH OR WITHOUT CONDITIONS THAT DOES NOT EXCEED THE UNSERVED PORTION OF THE ORIGINAL TERM OF IMPRISONMENT), AFTER CONSIDERING THE FACTORS SET FORTH IN SECTION 3553(a) TO THE EXTENT THAT THEY ARE APPLICABLE, IF IT FINDS THAT —

(i) EXTRAORDINARY AND COMPELLING REASONS WARRANT SUCH A REDUCTION

28 USC §994(t)

(t) THE COMMISSION, IN PROMULGATING GENERAL POLICY STATEMENT

STATUTORY PROVISIONS CONTINUED

REGARDING THE SENTENCING MODIFICATION PROVISIONS IN SECTION 3582(c)(1)(A) OF TITLE 18, SHALL DESCRIBE WHAT SHOULD BE CONSIDERED EXTRAORDINARY AND COMPELLING REASONS FOR SENTENCE REDUCTION, INCLUDING THE CRITERIA TO BE APPLIED AND A LIST OF SPECIFIC EXAMPLES. REHABILITATION OF THE DEFENDANT ALONE SHALL NOT BE CONSIDERED AN EXTRAORDINARY AND COMPELLING REASON.

UNITED STATES SENTENCING GUIDELINES §1B1.13

INCLUDED AS APPENDIX D DUE TO LENGTH

STATEMENT OF THE CASE

Isaac Loggins is a 46-year-old African-American with 7 children, 13 grandchildren, and number 14 on the way. Today, he is a college graduate who has devoted much of his time, energy, and money to helping individuals both in prison and out in the community.

A long time ago, in what feels like another life, he dropped out of school and started a family. At that young age, he thought he had it all figured out. He'd be a successful father and adult simply because of all the hard life lessons he'd already had. The world quickly made it clear that it had more to show him.

With very little education, he found himself stuck in poverty. No matter how hard he worked, he was frustrated by an inability to get ahead and keep his family stable. Sometimes he was living paycheck to paycheck and sometimes he wasn't even that lucky. Sometimes he made an honest living and other times he skirted the law. Eventually, he just felt stuck and out of options. Around that time a new opportunity presented itself: robbery. It wasn't ideal, but if it could feed his kids, that was all that really mattered. No one would willingly let their kids go hungry.

So, in 2001, we find Loggins indicted for Hobbs Act

ROBBERY WITH "STACKED" 924(c)'s. HE TOOK A PLEA DEAL THAT WOULD KEEP HIM BEHIND BARS FOR LONGER THAN HE'D BEEN ALIVE BECAUSE HE WAS DETERMINED TO SET AN EXAMPLE FOR HIS CHILDREN. HE WASN'T SURE EXACTLY HOW THAT WOULD LOOK YET, BUT IT STARTED WITH TAKING RESPONSIBILITY.

MOST PEOPLE CAN'T UNDERSTAND WHAT TAKING A PLEA BARGAIN THAT LONG WOULD BE LIKE. EVERYTHING YOU'VE EVER KNOWN, ALL THAT'S EVER HAPPENED TO YOU, EVERY SINGLE MEMORY YOU HAVE PLUS A COUPLE YEARS YOU KNOW YOU WERE ALIVE BEFORE MEMORIES STARTED — YOU ARE GOING TO SIT IN PRISON FOR LONGER THAN THAT. IT'S INCREDIBLY DIFFICULT TO COME TO TERMS WITH EVEN IF IT'S THE RIGHT THING TO DO. THE FACT IS THAT MOST PEOPLE ARE UNABLE TO RECONCILE THEMSELVES TO IT. THEY JUST GIVE UP. THEY CAN'T FATHOM THAT THERE WILL BE ANOTHER LIFE AFTER THEIR "SECOND" LIFETIME BEHIND BARS.

STILL, LOGGINS TOLD THE COURT THAT HE WANTED TO FIND A BETTER WAY TO LIVE. HIS SENTENCING JUDGE, THE HONORABLE CHARLES R. WOLLE, COULD TELL HE WAS SINCERE AND, IN COURT, SAID HE BELIEVED LOGGINS' REMORSE WAS REAL AND THAT HE'D USE HIS TIME BEHIND BARS TO BETTER HIMSELF. EVEN WITHOUT A FORMAL EDUCATION, LOGGINS COULD READ PEOPLE AND WAS SURPRISED BY THE JUDGE'S BELIEF AND GENUINE INTEREST. HE TOOK THE JUDGE'S WORDS TO HEART AND DECIDED TO RISE UP AND MEET THAT EXPECTATION.

Twenty years later, Loggins is a different person. If you were to paint an idealized picture of how you'd like to see someone change their life while in prison, you'd have something close to the man Loggins has become. Even more important (and intriguing), he did all of it with no promise of any benefit other than demonstrating a better way of life to his children.

Nevertheless, in 2018, Congress saw fit to change the wording of 18 USC §3582(c)(1)(A) to purposely increase the amount of motions for a reduction in sentence. In the very first articles to come out about the change, it was clear that it was intended to benefit people like Loggins who had used their time wisely. Thus we arrive at the ultimate question in this case and others like it: How do we determine if a person or their circumstances are extraordinary and compelling?

Loggins has watched over the past two years as inmates with more serious charges and disciplinary records have been given relief even when they've spent much less time behind bars than he has. He has objectively done more while in prison than most other inmates, yet he's been denied relief because of the subjectivity involved in the determination, among other reasons. There will always be subjectivity involved, however it should be balanced with some objective measures.

In addition to watching as less qualified prisoners

HAVE BEEN GRANTED COMPASSIONATE RELEASE, LOGGINS HAS NOT BEEN HEARD BY THE SYSTEM DESIGNED TO PROTECT HIS INTERESTS. MULTIPLE PROCEDURAL IRREGULARITIES AND A LAWYER ACTIVELY WORKING AGAINST HIM HAVE PREJUDICED LOGGINS AND HINDERED HIS ABILITY TO PRESENT THE MERITS OF HIS POSITION TO BOTH LOWER COURTS. WHEN HE TRIED TO RAISE THESE ISSUES TO THE EIGHTH CIRCUIT, THEY DODGED HIS CONCERNS BY DENYING HIS PETITION FOR REHEARING AS "OVERLENGTH" (SEE APPENDIX C).

TO BE MORE SPECIFIC, BUT NOT EXHAUSTIVE, ON THESE ISSUES, LOGGINS CAN SAY THAT HIS COURT-APPOINTED ATTORNEY ACTUALLY WORKED HARDER TO STAY OFF THE CASE THAN SHE DID TO HELP HIM. SHE STARTED AT THE DISTRICT COURT LEVEL BY FLAT OUT REFUSING TO HELP. THEN, WHEN THE EIGHTH CIRCUIT ORDERED HER TO REPRESENT HIM, SHE WAS PREPARING AN ANDERS BRIEF BEFORE SHE EVEN LOOKED AT WHAT HE WAS ASKING FOR. SHE EVENTUALLY FIGURED OUT THAT LOGGINS HAD A VALID CLAIM AND SHE WAS FORCED TO FILE A BRIEF ON THE MERITS, BUT BY IGNORING HIS LETTERS AND PHONE CALLS ALONG WITH ACTIVELY UNDERMINING HIM IN HER BRIEFINGS, SHE HAS LEGITIMIZED AND ASSISTED IN THE COURT SYSTEM'S CURSORY TREATMENT OF HIM.

FOR THEIR PART, THE COURTS HAVE ACTED MORE LIKE LOGGINS IS A PART — MOVING DOWN AN ASSEMBLY LINE AS THEY CHECK OFF BOXES ALONG THE WAY. THE DISTRICT

COURT GAVE HIM A NEW JUDGE WHO NEVER FAMILIARIZED HERSELF WITH THE RECORD. THEN, SHE DENIED LOGGINS ANY RELIEF AFTER ONLY READING A MOTION FOR APPOINTMENT OF COUNSEL, WITH NO BRIEFING FROM LOGGINS OR THE OPPOSING PARTY, AND A CLEAR LACK OF KNOWLEDGE ABOUT THE NEWLY PASSED LAW. DEMONSTRATING HER EVOLVING UNDERSTANDING OF THE NEW LAW, JUST OVER A YEAR LATER, SHE DID ASK FOR BRIEFING ON A SIMILAR MOTION BROUGHT BY A VERY SIMILARLY SITUATED INMATE — LOGGINS' CO-DEFENDANT. IT'S UNKNOWN HOW THAT TURNED OUT, BUT JUST THE FACT THAT SHE ORDERED BRIEFING IN THAT CASE AND NOT IN LOGGINS' SHOWS HOW EVEN INDIVIDUAL JUDGES CAN BE INCONSISTENT ON THIS NEW MATTER.

AT THE APPELLATE LEVEL, THE OPPOSING PARTIES ASKED FOR TWO DIFFERENT STANDARDS OF REVIEW, BUT THE COURT DIDN'T DETERMINE WHICH WAS CORRECT BEFORE DEFAULTING TO THE LOWER "ABUSE OF DISCRETION" STANDARD. FURTHER, THE REASONING IN THEIR OPINION WOULD REQUIRE LOGGINS TO PROVE A NEGATIVE, WHICH IS A LOGICAL IMPOSSIBILITY. IT'S NOT EVEN CERTAIN HOW CLOSELY THEY LOOKED AT HIS CASE BECAUSE THEY MISTOOK THE NEW JUDGE FOR LOGGINS' ORIGINAL SENTENCING JUDGE. HE TRIED TO RAISE THESE ISSUES AND MORE IN HIS PETITION FOR REHEARING. HE HAD HOPED THEY WOULD LISTEN TO HIM WITHOUT HIS LAWYER IN THE WAY, BUT THEY JUST AVOIDED HIM WITH A TECHNICAL RULING ABOUT PAGE LENGTH.

DESPITE LONG-STANDING PROCEDURAL SAFEGUARDS, THE LOWER COURTS AND THE COUNSEL ASSIGNED TO LOGGINS UNDERMINED HIS INTERESTS AND DENIED HIM AN OPPORTUNITY FOR A FULL AND FAIR HEARING ON THE MERITS OF HIS POSITION. IT WOULD BENEFIT EVERYONE INVOLVED FOR THIS COURT TO REINFORCE IT'S COMMITMENT TO RULES AND PROCEDURES THAT PROVIDE BALANCE IN OUR ADVERSARIAL JUDICIAL SYSTEM. ADDITIONALLY, THE SYSTEM VERY BADLY NEEDS NATIONWIDE GUIDELINES ON HOW TO FAIRLY AND CONSISTENTLY APPLY THEIR JUDGMENT TO MOTIONS BROUGHT UNDER THE NEW WORDING PROVIDED BY CONGRESS.

REASONS FOR GRANTING THE PETITION

I. THERE IS NO NATIONAL STANDARD, NOR EVEN ONE WITHIN MOST CIRCUITS, TO BALANCE THE SUBJECTIVE NOTION OF WHAT IS EXTRAORDINARY AND COMPELLING WITH ANY OBJECTIVE REASONING THAT WOULD ALLOW FOR A UNIFORM APPLICATION OF CONGRESS' NEW LAW.

WE ARE DEALING HERE WITH A LAW THAT CONGRESS CHANGED FOR SPECIFIC REASONS. IN DOING SO, THEY HAVE ESSENTIALLY CREATED A NEW AREA OF LAW. IF THE LOWER COURTS HAD SOME TYPE OF STRUCTURE TO UTILIZE WITH THESE MOTIONS, IT'S LIKELY THAT LOGGINS WOULD NOT BE PETITIONING THE SUPREME COURT TODAY.

THE OVERARCHING PROBLEM IS THE COMPLETELY SUBJECTIVE APPROACH TO WHAT CONSTITUTES EXTRAORDINARY AND COMPELLING AS IT'S USED IN 18 USC §3582(c)(1)(A)(i). WHILE THIS SUBJECTIVITY WILL NEVER BE ELIMINATED COMPLETELY, IT SHOULD BE (AND CAN BE) BALANCED WITH MORE OBJECTIVE MEASURES AS IS ALREADY DONE IN MANY OTHER AREAS OF LAW.

AS THINGS STAND NOW, WE ARE SEEING WIDELY DIFFERING OPINIONS COMING OUT OF CASES WITH SIMILAR FACTS. SEE, INTER ALIA, THE OPINIONS LISTED UNDER "RELATED CASES." THIS MAKES IT VERY DIFFICULT TO KNOW WHAT

ANY COURT MIGHT EXPECT FROM A MOTION BROUGHT TO IT. THIS ISN'T JUST A PROBLEM NATIONALLY, BUT EVEN WITHIN INDIVIDUAL CIRCUITS AND AMONG JUDGES WITHIN THOSE CIRCUITS. THIS HAS CREATED A DE FACTO JUDGE LOTTERY. IF YOU GET LUCKY WITH A SYMPATHETIC JUDGE, YOU CAN BE GRANTED A REDUCTION IN SENTENCE OR COMPASSIONATE RELEASE. IF YOU GET UNLUCKY, OR EVEN CATCH A JUDGE HAVING A BAD DAY, YOU MIGHT STAY IN PRISON NO MATTER HOW YOUR LIFE HAS CHANGED.

THE IDEA OF COMPASSIONATE RELEASE IS NOT NEW, BUT PREVIOUSLY, NO ONE WITH ANY AUTHORITY HAD AN INCENTIVE TO EXERCISE THE OPTION. SINCE IT WAS EASIER TO IGNORE PEOPLE RATHER THAN TAKE THE CHANCE OF THEM RECIDIVATING, COMPASSIONATE RELEASE WAS ALMOST NEVER UTILIZED. CONGRESS WAS UNHAPPY WITH THIS STATE OF AFFAIRS AND CODIFIED THE ABILITY OF INDIVIDUAL INMATES TO BRING THEIR OWN MOTIONS FOR A REDUCTION IN SENTENCE. THIS NEW OPPORTUNITY WAS EXPLICITLY GIVEN TO CAUSE AN INCREASE IN "THE USE AND TRANSPARENCY OF COMPASSIONATE RELEASE," WHICH IS THE TITLE OF THE SECTION OPENING THIS DOOR IN THE FIRST STEP ACT. IT IS CLEAR THEN, THAT CONGRESS INTENDED FOR INMATES TO HAVE A FULL AND FAIR OPPORTUNITY TO PRESENT THEIR REASONS FOR REQUESTING A REDUCTION IN SENTENCE.

LOGGINS HAS IDEAS TO CONTRIBUTE TO A SOLUTION IF

THIS COURT GRANTS CERTIORARI, BUT ONE DEFINITION NEEDS CLARITY UPFRONT. MOST PROSECUTORS OPPOSE AN INMATE'S MOTION FOR REDUCTION IN SENTENCE (ON THE OCCASIONS WHEN A COURT SEEKS THEIR INPUT). ONE OF THEIR TACTICS IS TO DIMINISH THE SIGNIFICANCE OF A PERSON'S ATTEMPTS TO BETTER THEMSELVES BY LUMPING EVERY EVENT AFTER SENTENCING UNDER THE WORD "REHABILITATION."

CONGRESS HAS SAID THAT "REHABILITATION OF THE DEFENDANT ALONE SHALL NOT BE CONSIDERED AN EXTRAORDINARY AND COMPELLING REASON" (28 USC §994(t)). BUT IT IS ALSO ESTABLISHED LAW THAT REHABILITATION CAN BE INCLUDED WITH OTHER FACTORS IN THE CALCULATION OF WHAT IS EXTRAORDINARY AND COMPELLING. IT IS DISINGENUOUS (AT BEST) FOR PROSECUTORS TO INDISCRIMINATELY GROUP EVERY EVENT THAT OCCURS AFTER SENTENCING AS REHABILITATION WITH THE IMPLICATION THAT IT WAS ALL FACILITATED BY THE FEDERAL BUREAU OF PRISONS. THEY ARE ONLY SUPERFICIALLY CONCERNED WITH REHABILITATION AND THE REALITY IS THAT THERE IS A LOT AN INMATE CAN DO, AND EVEN MUST DO, INDEPENDENTLY IF THEY WANT TO REACH THEIR GOALS.

THEREFORE IT'S OF THE UTMOST IMPORTANCE TO RECOGNIZE THAT ANYTHING AND EVERYTHING AN INMATE CAN DO TO QUALIFY AS EXTRAORDINARY AND COMPELLING UNDER §3582 MUST HAVE OCCURED WHILE INCARCERATED. THERE IS NO OTHER WAY FOR THE INMATE TO HAVE ACCOMPLISHED IT. IT IS POSSIBLE THAT EVENTS OUTSIDE AN

INMATE'S CONTROL COULD QUALIFY AS REASONS FOR A REDUCTION IN SENTENCE, BUT THOSE THINGS ARE GENERALLY NEGATIVE (SEE U.S.S.G. §1B1.13 APPLICATION NOTE 1(A)-(C) IN APPENDIX D). IT WOULD BE COMPLETELY UNREASONABLE TO BELIEVE THAT CONGRESS WANTED TO INCREASE THE USE OF COMPASSIONATE RELEASE BY HAVING MORE INMATES BECOME TERMINALLY ILL OR BY THEIR FAMILY MEMBERS DYING OR BECOMING INCAPACITATED.

AS SUCH, A LIMITED DEFINITION OF REHABILITATION IS NOT AN APPROPRIATE CATCH-ALL TERM FOR WHAT INMATES DO AFTER SENTENCING. THERE ARE MANY LEVELS OF INITIATIVE AN INMATE MUST TAKE TO ACCOMPLISH VARIOUS TASKS. CONVENIENTLY, THAT INITIATIVE PROVIDES A HANDY WAY TO DIFFERENTIATE BETWEEN PLAIN VANILLA REHABILITATIVE ACTS AND THOSE WHICH WILL ACTUALLY GIVE US AN IDEA OF HOW A PERSON WOULD CONTRIBUTE TO SOCIETY IF RELEASED EARLY.

LOGGINS WILL GLADLY ELABORATE ON THIS IDEA, BUT FOR THE PURPOSE OF GRANTING CERTIORARI, IT'S FIRST IMPORTANST FOR THE COURT TO RECOGNIZE THE DAMAGE BEING DONE BY SEEMINGLY RANDOM OUTCOMES IN SIMILAR CASES AROUND THE COUNTRY AND WITHIN CIRCUITS. THE DISPARATE RESULTS UNDERMINE FAITH IN OUR JUDICIAL SYSTEM AND IT IS THUS RESPECTFULLY SUBMITTED THAT THIS IS A PERFECT OPPORTUNITY FOR THE SUPREME COURT TO USE IT'S AUTHORITY TO PROVIDE SOME REASONABLE GUIDELINES.

II. The Lower Courts and Loggins' assigned counsel prejudiced him by acting for their own convenience instead of trying to protect his legal rights and interests.

This aspect of the case is important to the Supreme Court because, over time, the lower courts have reduced long-standing procedural safeguards to mere pro forma actions that are glossed over for the sake of convenience. Due to the differential treatment given to pro se litigants across the country, it has become necessary for this Court to use it's supervisory powers to reiterate a commitment to the rules and guidelines that protect the fairness and integrity of the judicial process.

Petitions brought under 18 USC §3582(c)(1)(A)(i) are going to be more common now that inmates can file them directly. These will often come years, and sometimes decades, after sentencing. It will be necessary to change judges on many of these occasions. It is already standard practice for a new judge to certify familiarity with the record and make sure neither party will be prejudiced by the switch. However that was not done in this case by the Honorable Stephanie M. Rose when she took over Loggins' case. Even worse, neither Loggins' counsel nor the

APPELLATE COURT WERE WILLING TO HEAR HIS OBJECTIONS TO THE CHANGE.

ALTHOUGH LOGGINS HAS BEEN INCARCERATED FOR TWO DECADES, JUST TWO YEARS PRIOR TO SEEKING A REDUCTION IN SENTENCE, HE HAD EXCHANGED LETTERS WITH HIS SENTENCING JUDGE, THE HONORABLE CHARLES R. WOLLE, ABOUT A CLEMENCY MATTER. BECAUSE OF THAT LETTER, ALONG WITH OTHER WRITTEN CORRESPONDENCE THROUGHOUT THE YEARS, LOGGINS NATURALLY THOUGHT THAT JUDGE WOLLE WOULD RECEIVE THE PETITION FOR COMPASSIONATE RELEASE AND WROTE IT WITH HIM IN MIND.

SINCE JUDGE WOLLE WAS ALREADY FAMILIAR WITH THE SIGNIFICANT PROGRESS LOGGINS HAD MADE THROUGHOUT HIS INCARCERATION, IT WAS THOUGHT THAT HE MIGHT JUST GRANT LOGGINS' MOTION, BUT EVEN IN THE ALTERNATIVE, HE WOULD WANT A FULL BRIEFING ON THE NEW LAW. THAT'S WHY HE MADE HIS MOTION A SIMPLE REQUEST FOR APPOINTMENT OF COUNSEL WITH A BRIEF SYNOPSIS OF WHAT HE WOULD BE SEEKING RELIEF FOR.

AT THAT POINT, LOGGINS THOUGHT HE WOULD NEED THE ASSISTANCE OF COUNSEL TO PROPERLY BRIEF THE COURT ON THE NEW LAW. THAT WAS A MISTAKE FATAL TO HIS CHANCES. HE HAD THOUGHT THE LEGAL THEORIES AND IN-DEPTH REASONING WOULD TAKE PLACE IN BRIEFINGS BETWEEN HIM AND THE OPPOSING PARTY, BUT WAS NEVER GIVEN THAT CHANCE BECAUSE OF A MISTAKEN READING OF

THE NEW LAW BY JUDGE ROSE.

PRIOR TO HER RULING, THE CLERK OF THE DISTRICT COURT HAD FORWARDED A COPY OF LOGGINS' MOTION TO THE FEDERAL DEFENDERS OFFICE SINCE HE WAS ASKING FOR REPRESENTATION. THE STAFF MEMBER THERE WHO RECEIVED THE MOTION FLAT-OUT REFUSED TO HELP. IT ULTIMATELY DIDN'T MATTER THOUGH BECAUSE SHORTLY AFTER RECEIVING THE REFUSAL LETTER FROM THEM, LOGGINS RECEIVED THE DENIAL ORDER OF HIS MOTION FOR APPOINTMENT OF COUNSEL. SHOCKINGLY, HE WASN'T JUST BEING DENIED COUNSEL, BUT ANY RELIEF AT ALL. HE WASN'T EVEN GIVEN THE CHANCE TO REPRESENT HIMSELF AS REGARDED THE NEXT DECADE OF HIS LIFE. TO ADD INSULT TO INJURY, THE ORDER WAS SIGNED BY A JUDGE ROSE, SOMEONE HE HAD NEVER HEARD OF OR COMMUNICATED WITH PRIOR TO SEEING HER NAME ON THE ORDER.

SINCE SHE NEVER CERTIFIED FAMILIARITY WITH THE RECORD AND HAD BASED HER DECISION ON THE WRONG SECTION OF THE FIRST STEP ACT, LOGGINS APPEALED HER SUMMARY DISMISSAL TO THE EIGHTH CIRCUIT. THIS TIME HE DID NOT ASK FOR COUNSEL SO THAT HE COULD COMMUNICATE WITH THE COURT, BUT THEY ASSIGNED HIM COUNSEL ANYWAY. THE APPOINTMENT WENT TO THE SAME FEDERAL DEFENDERS OFFICE AND LANDED ON THE DESK OF THE SAME LAWYER WHO REFUSED TO HELP IN THE DISTRICT COURT. NEEDLESS TO

SAY, AFTER HAVING REFUSED TO HELP LOGGINS AT THE DISTRICT LEVEL, SHE WAS NOT HAPPY AT ALL ABOUT HAVING TO REPRESENT HIM ON APPEAL.

SHE TOLD LOGGINS THAT SHE WAS GOING TO FILE AN ANDERS BRIEF WITH THE EIGHTH CIRCUIT AND THEN VIRTUALLY IGNORED HIM UNTIL ONE DAY, HE GOT HER ON THE PHONE. SHE ADMITTED TO HIM THAT SHE HADN'T LOOKED AT HIS CASE AND PROMISED TO LOOK INTO IT. THAT'S WHEN SHE REALIZED THAT LOGGINS' MOTION DID HAVE MERIT AND SHE COULDN'T WITHDRAW IN GOOD FAITH. THUS SHE WAS FORCED INTO A POSITION WHERE SHE HAD TO FILE A BRIEF ON THE MERITS.

THAT DIDN'T KEEP HER FROM DOING THE BARE MINIMUM THOUGH. LOGGINS TRIED TO MAKE HER JOB EASIER BY FORWARDING ALL HIS WORK AND LEGAL THEORIES TO HER, BUT SHE NEVER ACKNOWLEDGED THOSE THINGS OR DISCUSSED STRATEGY WITH HIM. BASED ON LATER EVENTS, LOGGINS BELIEVES SHE NEVER EVEN LOOKED AT IT. THEN, SHE COMPLETELY COUNTERMANDED HIM BY ARGUING FOR AN ABUSE OF DISCRETION STANDARD WHEN DE NOVO WAS CLEARLY MORE APPROPRIATE.

ALTHOUGH HE WAS FURIOUS THAT SHE SUBVERTED HIS POSITION, HE WAS PARTIALLY RELIEVED WHEN THE PROSECUTOR ASKED FOR DE NOVO REVIEW. IN THE END THOUGH, THE EIGHTH CIRCUIT SKIPPED DETERMINING A

STANDARD OF REVIEW FOR THE NEW LAW AND DEFAULTED TO WHAT LOGGINS' ATTORNEY ASKED FOR. FURTHER EVIDENCE OF THEIR CURSORY APPROACH TO THE APPEAL IS THAT THEY MISTAKENLY REFER TO JUDGE ROSE AS LOGGINS' SENTENCING JUDGE WHICH SHE MOST CERTAINLY WAS NOT.

WITHOUT REPRESENTATION AND WITHOUT MEANINGFUL ACCESS TO THE LAW LIBRARY DUE TO COVID RESTRICTIONS, LOGGINS ATTEMPTED TO BRING THESE ISSUES TO THE EIGHTH CIRCUIT'S ATTENTION ON HIS OWN. UNFORTUNATELY, HE HAD NO IDEA THAT THERE WAS A PAGE LIMIT ON A MOTION FOR REHEARING AND THE EIGHTH CIRCUIT JUST THREW IT OUT AS TOO LONG RATHER THAN CONSIDERING THE MERITS.

UP TO THIS POINT, LOGGINS HAS BEEN SUMMARILY DISMISSED, BLOCKED BY COUNSEL, AND DISMISSED ON A TECHNICALITY. HE WOULD REALLY LIKE AN OPPORTUNITY TO FULLY ELABORATE ON HIS LEGAL REASONING. HE HAS WELL OVER TWO YEARS RESEARCHING AND STUDYING THE NUANCES OF THIS NEW LAW AND WOULD BE HAPPY TO BRIEF THIS COURT ON PROBLEMS IN INTERPRETATION, AS WELL AS SOLUTIONS FOR IMPLEMENTATION.

THESE THINGS COULD HAVE BEEN DONE IN LOWER COURTS, BUT THEY'VE FOCUSED INSTEAD ON FINDING WAYS TO DISMISS LOGGINS ON TECHNICALITIES WHILE, IRONICALLY,

NOT FOLLOWING THEIR OWN PROCEDURES. FURTHERMORE, THEY'VE GONE OUT OF THEIR WAY TO AVOID MAKING LEGAL EVALUATIONS OF THE NEW LAW. LOGGINS BELIEVES THIS IS A NATIONWIDE PROBLEM AND NOT UNIQUE TO HIM. THUS, THIS COURT CAN AND SHOULD EXERCISE IT'S SUPERVISORY AUTHORITY TO REINFORCE A COMMITMENT TO PROCEDURES AND RULES THAT PROTECT LITIGANTS OF ALL TYPES FROM PREJUDICE. ESPECIALLY THOSE PEOPLE WHO HAVE VALID POINTS, BUT A LESS THAN IDEAL UNDERSTANDING OF TECHNICAL COURT PROCEDURES. THANK YOU.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Date: 3-15-21