

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

MICHAEL LAWRENCE WILLIAMS,

Petitioner

v.

UNITED STATES OF AMERICA

Respondent

PETITIONER'S APPENDIX
ON PETITION FOR A WRIT OF CERTIORARI

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Northern District of Texas

APPENDIX A

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

November 15, 2010

No. 08-11190
Summary Calendar

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MICHAEL LAWRENCE WILLIAMS,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:06-CR-30-ALL

Before REAVLEY, DENNIS, and CLEMENT, Circuit Judges.

PER CURIAM:*

Michael Lawrence Williams, federal prisoner # 34595-177, pleaded guilty in 2006 to distribution and possession with the intent to distribute more than 50 grams of a mixture containing cocaine base (“crack”), and he was sentenced to 235 months of imprisonment. Williams filed a motion under 18 U.S.C. § 3582(c)(2) seeking a reduction in his sentence based on a retroactive amendment to the Sentencing Guidelines that applied to crack offenses. He now appeals the district court’s denial of that motion.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Williams argues that the district court erred by failing to appoint counsel to represent him during his § 3582(c)(2) proceeding. Williams did not request counsel or object regarding appointment of counsel in the district court. Therefore, his argument is reviewed for plain error. *United States v. Whitfield*, 590 F.3d 325, 347 n.15 (5th Cir. 2009) (“[G]enerally speaking, the plain error rule is invoked when an appellant raises an issue on appeal that he failed to preserve in the court below.”), *cert. denied*, 2010 WL 2151025 (2010) (No. 09-11067).

The district court did not plainly err by not sua sponte appointing counsel for Williams. See *United States v. Whitebird*, 55 F.3d 1007, 1010-11 (5th Cir. 1995).

AFFIRMED.

APPENDIX B

UNITED STATES DISTRICT COURT

for the

Northern District of Texas - Lubbock Division

United States of America

v.

Michael Lawrence Williams

Date of Original Judgment: 9/15/2006

Date of Previous Amended Judgment

or Last Order Reducing Sentence: _____

)

) Case No: 5:06-CR-030-C-01) USM No: 34595-177

)

) Adam Nicholson

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C.

§ 3582(c)(2) for a reduction in the term of imprisonment imposed based on Section 404 of the First Step Act, and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

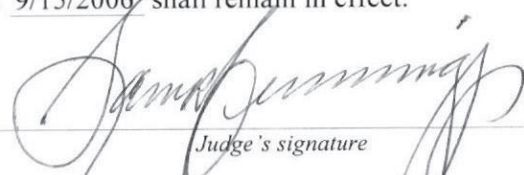
☒ DENIED ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

ADDITIONAL COMMENTS:

The Court finds that Defendant is eligible for a sentence reduction under the First Step Act. However, after considering the 18 U.S.C. § 3553(a) sentencing factors, including defendant's criminal history, public safety issues, offense conduct or relevant conduct, and the post-sentencing conduct, the Court declines to reduce defendant's current term of imprisonment.

Except as otherwise provided, all provisions of the judgment dated 9/15/2006 shall remain in effect.**IT IS SO ORDERED.**Order Date: June 29, 2020Effective Date: June 29, 2020.

(If different from order date)



Judge's signature

SAM R. CUMMINGS, Senior U.S. District Judge

Printed name and title