No. _____

In the

Supreme Court of the United States

JONATHAN JEROME HILLS, Petitioner

v.

UNITED STATES OF AMERICA, Respondent

On Petition for Writ of Certiorari to the

United States Court of Appeals

for the Ninth Circuit

Petition for Writ of Certiorari

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Question Presented

Whether differences in procedural opportunity arising from the fact that a defendant is statutorily eligible for relief under the First Step Act, such as the ability to offer evidence of postsentencing rehabilitation in support of a reduced sentence, create the sort of "unwarranted" sentence disparities that a district court must seek to avoid under 18 U.S.C. § 3553(a)(6).

Statement of Related Proceedings

- *United States v. Jonathan Jerome Hills*,
  - No. 2:05-cr-01040-JFW-1, ECF 84 (C.D. Cal. Mar. 19, 2007)
- *United States v. Jonathan Jerome Hills*,
  - No. 07-50150, 284 F. App'x 453 (9th Cir. July 11, 2008)
- *United States v. Jonathan Jerome Hills*,
  - 2:05-cr-01040-JFW-1, ECF 134 (C.D. Cal. Nov. 13, 2019), ECF 140 (C.D. Cal. Dec. 3, 2019)
- *United States v. Jonathan Jerome Hills*,
  - No. 19-50354, 834 F. App'x 442 (9th Cir. Jan. 29, 2021)

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JONATHAN JEROME HILLS, Petitioner

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Petition for Writ of Certiorari

Jonathan Jerome Hills petitions for a writ of certiorari to review the judgment and opinion of the United States Court of Appeals for the Ninth Circuit in his case.

Opinions Below

The opinion of the court of appeals is unreported. App. 1a-3a. The rulings of the district court are also unreported. App. 4a-5a.

Jurisdiction

The judgment of the court of appeals was entered on January 29, 2021. App. 1a. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

Statute Involved

First Step Act of 2018, Pub L. 115-391, 132 Stat 5194 (2018)

SEC. 404. APPLICATION OF FAIR SENTENCING ACT.

(a) DEFINITION OF COVERED OFFENSE.—In this section, the term "covered offense" means a violation of a Federal criminal statute, the statutory penalties for which were modified by section 2 or 3 of the Fair Sentencing Act of 2010 (Public Law 111–220; 124 Stat. 2372), that was committed before August 3, 2010.

(b) DEFENDANTS PREVIOUSLY SENTENCED.—A court that imposed a sentence for a covered offense may, on motion of the defendant, the Director of the Bureau of Prisons, the attorney for the Government, or the court, impose a reduced sentence as if sections 2 and 3 of the Fair Sentencing Act of 2010 (Public Law 111–220; 124 Stat. 2372) were in effect at the time the covered offense was committed.

(c) LIMITATIONS.—No court shall entertain a motion made under this section to reduce a sentence if the sentence was previously imposed or previously reduced in accordance with the amendments made by sections 2 and 3 of the Fair Sentencing Act of 2010 (Public Law 111–220; 124 Stat. 2372) or if a previous motion made under this section to reduce the sentence was, after the date of enactment of this Act, denied after a complete review of the motion on the merits. Nothing in this section shall be construed to require a court to reduce any sentence pursuant to this section.

Statement of the Case

A. The Initial Sentencing

In 2007, Mr. Hills was convicted of possession with intent to distribute at least 50 grams of cocaine base (crack cocaine), in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A) (2002), and felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). (ER 22.) At the time, the crack offense was generally punishable by a ten-year mandatory minimum and a statutory maximum of life imprisonment. 21 U.S.C. § 841(a)(1), (b)(1)(A)(iii) (2002). But because Mr. Hills had a qualifying prior conviction for a felony drug offense, the mandatory minimum for his offense was 20 years. 21 U.S.C. §§ 841(b)(1)(A)(iii) (2002), 21 U.S.C. § 851. The corresponding amount of powder cocaine required to trigger the same penalties was 5 kilograms, one hundred times as much. 21 U.S.C. §§ 841(b)(1)(A)(ii) (2002); 21 U.S.C. § 851.

The probation officer calculated Mr. Hills's offense level under both the drug guideline, U.S.S.G. § 2D1.1 (2005), and the career-offender guideline, U.S.S.G. § 4B1.1. (PSR 6-7 ¶¶ 27-37.) Under the drug guideline, the probation officer determined that Mr. Hills's total offense level would be 33: a base offense level of 34 for at least 150 grams but less than 500 grams of crack cocaine, plus a two-level adjustment for possession of a dangerous weapon under U.S.S.G. §2D1.1(b)(1), minus a three-level reduction for acceptance of responsibility under U.S.S.G. § 3E1.1. (PSR 6-7 ¶¶ 27-34.)

However, the probation officer concluded that Mr. Hills was subject to the higher base offense level (level 37) in the career-offender guideline, U.S.S.G. §4B1.1, minus three levels for acceptance of responsibility, resulting in a total offense level of 34. (PSR 7 ¶¶ 35-37.) At offense level 34 and criminal history category VI (PSR 22 ¶ 155), Mr. Hills's advisory Sentencing Guidelines range was 262 to 327 months' imprisonment. U.S.S.G. ch. 5, pt. A (sentencing table).

Mr. Hills's PSR indicated that he had suffered from paternal abandonment and serious childhood abuse. (PSR 17 ¶¶ 117-119.) He dropped out of high school in eleventh grade. (PSR 20 ¶ 138.) He began smoking marijuana at age 14 and drinking alcohol at age 16. (PSR 19 ¶ 134.) In the early 1980s, at the age 17 or 18, he began smoking crack cocaine and became addicted. (PSR 19 ¶ 135.) At the time of his arrest in September 2005, he was consuming crack cocaine, marijuana, and alcohol regularly. (PSR 19 ¶¶ 134-135.)

On March 19, 2007, the district court sentenced Mr. Hills to 240 months of imprisonment, the then-mandatory minimum, for the crack-cocaine offense, and to a concurrent 120-month term for the felon-in-possession offense. (ER 22.) On direct review, the Ninth Circuit affirmed Mr. Hills's convictions and dismissed his appeal of the sentence in light of a valid appeal waiver. *United States v. Hills*, 284 F. App'x 453 (9th Cir. 2008).

B. Subsequent Changes to the Statutory Framework

1. *The Fair Sentencing Act*. In 2010, Congress enacted the Fair Sentencing Act ("FSA"), which reduced the 100-to-1 disparity for crack-to-powder to 18-to-1. Fair Sentencing Act of 2010, Pub. L. No. 111-220, 124 Stat. 2372 (2010); *see also Dorsey v. United States*, 567 U.S. 260, 264 (2012). Under the Fair Sentencing Act, Mr. Hills's offense conduct, which involved more than 28, but less than 280 grams of crack cocaine, would be subject to a mandatory minimum sentence of 10 years and a statutory maximum of life imprisonment, given his prior conviction for a "felony drug offense." 21 U.S.C. § 841(b)(1)(B)(iii) (2010). That is, his mandatory minimum sentence would have been halved, from 20 years to 10 years. But under this Court's decision in *Dorsey*, Mr. Hills was not eligible for the Fair Sentencing Act's new mandatory minimums because he was sentenced before the effective date of August 3, 2010.

2. *The First Step Act*. In 2018, Congress enacted the First Step Act. First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194 (2018) ("First Step Act" or "Act"), which made the Fair Sentencing Act's lowered statutory penalties for crack-cocaine offenses retroactive. Section 404(b) of the First Step Act provides that "[a] court that imposed a sentence for a covered offense may, on motion of the defendant, the Director of the Bureau of Prisons, the attorney for the Government, or the court, impose a reduced

sentence as if sections 2 and 3 of the Fair Sentencing Act of 2010 (Public Law 111–220; 124 Stat. 2372) were in effect at the time the covered offense was committed." First Step Act, § 404(b).

The Act contains an eligibility provision and exclusions. It defines a "covered offense" as "a violation of a Federal criminal statute, the statutory penalties for which were modified by section 2 or 3 of the Fair Sentencing Act of 2010 (Public Law 111–220; 124 Stat. 2372), that was committed before August 3, 2010." *Id.* § 404(a). It disqualifies defendants who previously had a sentence imposed or reduced under the Fair Sentencing Act's new, more lenient penalties for crack-cocaine offenses, or who had already had a First Step Act motion denied "after a complete review of the motion on the merits." *Id.* § 404(c). In addition, the Act provides that a court is not required to reduce a sentence for a defendant with a covered offense. *Id.*

C. Mr. Hills's First Step Act Proceedings

1. *District Court.* On October 7, 2019, by now 54 years old, Mr. Hills moved for a sentence reduction under the First Step and Fair Sentencing Acts. (ER 1-27.) He argued that he was eligible for a sentence reduction because the Fair Sentencing Act reduced the mandatory minimum for his crack-cocaine offense from 20 years to 10 years, meaning that he had a "covered offense." (ER 6-7.) He further noted that this was his first motion

brought under the First Step Act, and that he had not previously benefited from the new, lower statutory penalties. (ER 7.)

Mr. Hills requested a time-served sentence of 157 months, which would exceed the new mandatory minimum for his offense by more than three years. (ER 3, 8.) He urged the district court to consider all the sentencing factors set forth in 18 U.S.C. § 3553(a), including any relevant postsentencing developments. (ER 7-8.) While he acknowledged that his advisory Guidelines range had not changed, he argued that a downward departure from the career-offender guideline was warranted, because it overstated his risk of recidivism. (ER 8-11.) He also noted that, due to significant intervening revisions to the drug guideline, his Guidelines range would be 110 to 137 months today, were he not a career offender. (ER 8.) Mr. Hills also pointed to his substantial rehabilitative efforts while in prison, which included completing dozens of classes, including GED coursework, and achieving sobriety after many years of addiction. (ER 11.) Finally, he cited his age and ten-year period of supervised release as additional factors that minimized his risk of recidivism. (ER 12.)

Mr. Hills's prison records reflected his "low" security level, his "above-average" work evaluations for his job in the dining facility, and the "significant" amount of academic, release-preparation, and vocational programming he had successfully completed while in custody—ranging from

sanitation tech and drug education to life skills and classic literature. (ER 14-17.) The records also showed that Mr. Hills had not had any discipline reports for the last five years, and that his two more serious infractions, for fighting, occurred in 2006, prior to his sentencing. (ER 16.)

The government acknowledged that Mr. Hills had a "covered offense" and was therefore eligible for a reduced sentence under the First Step Act. (ER 33.) It also agreed that the district court should consider the sentencing factors in Section 3553(a), including any post-offense conduct, in determining whether to reduce Mr. Hills's sentence. (ER 35.) The government noted that Mr. Hills had incurred disciplinary infractions while in custody—two instances of fighting in 2006, disrupting phone monitoring in 2007, and possessing an unauthorized item in 2014. (ER 35, 16.) While the government stated that it did "not diminish the rehabilitative progress of defendant's efforts while in BOP custody," it "defer[red] to the Court to consider what effects, if any, should result from defendant's post-conviction behavior on the appropriate sentence to be imposed." (ER 36.) The government stated generally that the Section 3553(a) factors did not justify a below-Guidelines sentence in Mr. Hills's case. (ER 36.)

In support of this view, the government pointed out that the district court had already imposed a below-Guidelines sentence at Mr. Hills's original sentencing, when it varied from a range of 262 to 327 months to the

mandatory minimum of 240 months. (ER 36.) In the government's view, the unchanged advisory Guidelines range made any further variance an "unwarranted" "windfall." (ER 36–37.) The government invited the district court to consider what sentence it would have imposed after August 3, 2010, when the Fair Sentencing Act went into effect. (ER 37 n.4.) The government surmised that "it is doubtful that the Court at that time would have imposed a sentence lower than 240 months," and argued that any further reduction would create an "unwarranted disparity" between defendants whose sentences were imposed before and after August 3, 2010. (ER 37 n.4.) Finally, the government argued that the First Step Act did not authorize a plenary resentencing or require a hearing. (ER 37-40.)

Without hearing oral argument, the district court denied Mr. Hills's motion for a reduced sentence. (ER 41.) The district court stated it was denying the motion "[f]or the reasons stated in the Government's Opposition[.]" (ER 41.) Observing that the advisory Guidelines range remained 262 to 327 months, the district court concluded that a further variance was not warranted "[a]fter considering all of the sentencing factors in 18 U.S.C. § 3553(a) and Defendant's post-conviction conduct." (ER 41.)

Eight days after filing the notice of appeal, Mr. Hills filed a motion for an indicative ruling on a motion for reconsideration pursuant to Federal Rule of Civil Procedure 62.1. (ER 43-60.) Rule 62.1 pertains to a timely motion

for relief that the district court lacks authority to grant because of an appeal that has been docketed and is pending[.]" Fed. R. Civ. P. 62.1(a). Under this rule, a district court may defer considering the motion, deny the motion, or "state either that it would grant the motion if the court of appeals remands for that purpose or that the motion raises a substantial issue." *Id.* In the motion, Mr. Hills argued that he was entitled to a plenary resentencing under the current version of the Guidelines, and that he was no longer a career offender on plenary review. (ER 45-50.)

Mr. Hills also provided more information regarding his disciplinary infractions and family support. (ER 50-60.) He lost 14 days of good time credit for a fight in February 2006, 15 days for a fight in August 2006, and 27 days for making a three-way call in June 2007—all prior to his March 2007 sentencing or shortly thereafter. (ER 50, 55-56.) In 2014, Mr. Hills possessed a "stinger," a device made of electrical wire and coil to heat water, for which he did not lose any good time credit. (ER 50 & n.3, 55-56.) Mr. Hills's brother and two sisters submitted letters in support of his release. (ER 58-60.)

The government opposed the motion for an indicative ruling, arguing that it did not cite any new facts or law that would warrant reconsideration of the district court's decision. (ER 61-65.)

The district court denied the motion for an indicative ruling "[f]or the reasons stated in the Government's Opposition[.]" (ER 66.)

2. *Ninth Circuit.* Mr. Hills appealed the denial to the Ninth Circuit. He argued that the district court procedurally erred by failing to address two specific, nonfrivolous arguments in favor of a lower sentence—his postsentencing rehabilitation and the career offender guideline's overstatement of his recidivism risk—and misapplying the "unwarranted sentence disparities" factor by adopting the government's opposition on this point. (AOB 15–21.) He also argued that the 240-month sentence was substantively unreasonable. (AOB at 21–29.)

The Ninth Circuit affirmed the First Step Act denial in a memorandum disposition. (App. 1a-3a.) First, the panel concluded that the district court adequately considered Mr. Hills's arguments, including his post-conviction conduct claim, and decided that they did not warrant a further reduction in his sentence. (App. 2a.) Second, even assuming that the district court adopted the government's position on unwarranted sentence disparities, the Ninth Circuit saw no error in the district court's reasoning that a reduction for Mr. Hills would create an "unfair disparity" with other defendants sentenced under the career offender guideline who were not subject to a reduced mandatory minimum under the First Step Act. (App. 2a.) And it

concluded that the 240-month sentence was substantively reasonable in light of the Guidelines range and Mr. Hills's criminal history. (App. 2a–3a.)

Reasons for Granting the Petition

This Court should grant certiorari because the Ninth Circuit's interpretation of the "unwarranted sentence disparities" factor in 18 U.S.C. § 3553(a)(6) contravenes the interpretation of that provision in *Pepper v. United States*, 562 U.S. 476, 491 (2011). And, as in *Pepper*, the mistaken reliance on unwarranted sentence disparities led the district court to give short shrift to evidence of postsentencing rehabilitation. Because the unwarranted disparity argument is invoked by the government in a range of First Step Act cases, and undermines the remedial purpose of that statute, the question presented is important and merits this Court's review.

1. Section 3553(a) instructs the district court to consider "the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct." 18 U.S.C. § 3553(a)(6). Here, the government argued that the district court should consider what sentence it would have imposed had Mr. Hills's sentencing occurred after August 3, 2010, the effective date of the Fair Sentencing Act, and that any further reduction would "create an unwarranted disparity between defendants whose sentences were imposed before and after August 3, 2010," or "a windfall unconnected to the Court's judgment." (ER 37 &

n.4.) The district court adopted the reasoning of the government's opposition *in toto*. (ER 41.) And the Ninth Circuit affirmed that rationale. (App. 2a.)

The government's "windfall" argument rests on the faulty premise that Mr. Hills's opportunity to demonstrate post-sentencing rehabilitation unfairly disadvantages defendants who were *initially* sentenced under the Fair Sentencing Act's lowered mandatory minimums, and thus had no chance for a reduced sentence years later. But this Court has already rejected this sort of disparity argument. In *Pepper*, this Court held that district courts may consider evidence of a defendant's postsentencing rehabilitation at resentencing. 562 U.S at 504–05. It rejected the lower court's reasoning that "allowing postsentencing rehabilitation evidence to influence defendant's sentence would be grossly unfair to the vast majority of defendants who receive no sentencing-court review of any positive post-sentencing rehabilitative efforts." *Id.* at 503 (cleaned up). The *Pepper* Court explained that "[t]he differences in procedural opportunity that may result because some defendants are sentenced in error and must be resentenced are not the kinds of 'unwarranted' sentencing disparities that Congress sought to eliminate under § 3553(a)(6)." *Id.* That reasoning applies with equal force to the procedural opportunity Congress expressly created in the First Step Act for defendants who were sentenced under the harsher, 100-to-1 mandatory minimums in effect before August 3, 2010.

Under *Pepper*, any disparities resulting from a district court's reliance on postsentencing rehabilitation to reduce a sentence under the First Step Act are not "unwarranted" within the meaning of Section 3553(a)(6). Rather, such disparities are intended byproducts of the procedural opportunity afforded to eligible defendants. The Ninth Circuit's ruling, which evinced concern for unwarranted disparity between defendants like Mr. Hills, who was undisputedly eligible for First Step Act relief, and defendants who *already* benefited from the Fair Sentencing Act's reduced statutory penalties at their initial sentencings, turns the concept of "unwarranted disparity" in Section 3553(a)(6) on its head. Congress passed the Fair Sentencing Act, which the First Step Act makes retroactive, to "reduc[e] the crack-to-powder cocaine disparity from 100-to-1 to 18-to-1." *Dorsey*, 567 U.S. at 264. And the First Step Act expressly gives "previously sentenced" defendants with a "covered offense," such as Mr. Hills, the procedural opportunity to receive a reduced sentence. First Step Act, § 404. More generally, because "disparities, reflecting a line-drawing effort, will exist whenever Congress enacts a new law changing sentences," *Dorsey*, 567 U.S. at 280, disparities resulting from legislative choices cannot said to be "unwarranted" or unintended.

The Ninth Circuit's mistaken view of "unwarranted" disparities also conflicts with *Pepper* in another way—by downplaying the importance of

postsentencing rehabilitation. This Court has made clear that evidence of postsentencing rehabilitation is "highly relevant" to several Section 3553(a) factors, including "the history and characteristics of the defendant," and the need to "afford adequate deterrence" and "protect the public." *Pepper*, 562 U.S. at 491. Further, "'[a] Court's duty is always to sentence the defendant as he stands before the court on the day of sentencing.'" *Id.* at 492 (quoting *United States v. Bryson*, 229 F.3d 425, 426 (2d Cir. 2000) (per curiam)). But by affirming the district court's reasoning that reducing a sentence based on postsentencing rehabilitation would create an unwarranted disparity between defendants eligible for First Step Act relief (and thus newly subject to the FSA's lowered statutory penalties) and defendants initially sentenced under the FSA, the Ninth Circuit left no place for the evidence of post-sentencing rehabilitation that this Court found so significant in *Pepper*.

2. The government's reliance on "unwarranted" disparity rationales across a range of cases brought under Section 404 of the First Step Act highlights the importance of the question presented. Notably, other courts of appeal have been less receptive to such arguments than the Ninth Circuit in Mr. Hills's case.

In *United States v. Davis*, 961 F.3d 181 (2d. Cir. 2020), the Second Circuit addressed whether a defendant who pleaded guilty to distributing 50 grams or more of crack cocaine prior to the Fair Sentencing Act had a

"covered offense" where he conceded in his plea agreement that the relevant conduct involved 1.5 kilograms of crack cocaine. *Id.* at 182. Because the 1.5-kilogram quantity would have triggered a mandatory minimum of 20 years both before and after the Fair Sentencing Act, the government argued that Davis's statutory penalties had not been modified and that he therefore did not have a "covered offense" under the First Step Act. *Id.* at 186. The Second Circuit disagreed, based on its statutory interpretation of the "covered offense" provision. *Id.* at 186–90. It also rejected the government's policy argument that this definition would "'generate[] a new disparity" between pre-FSA and post-FSA offenders. *Id.* at 191. Relevant here, it reasoned that the Fair Sentencing Act and First Step Act did not aim to eliminate "*all* sentencing disparities," as it left an 18-to-1 crack-to-powder disparity in place. *Id.* It also concluded that, even if the First Step unfairly gave pre-FSA offenders a procedural opportunity not available to post-FSA offenders, "we doubt whether it would be consistent with the First Step Act's overarching purposes to solve that problem by 'leveling down' — that is, by withholding the opportunity from everyone alike." *Id.* Finally, it took issue with the very concept of a "procedural windfall," because the First Step Act did not guarantee a substantively lower sentence. *Id.*

The government fared no better with its unwarranted disparity argument in *United States v. Boulding*, 960 F.3d 774 (6th Cir. 2020). In

Boulding, the Sixth Circuit addressed the same question as the Second Circuit in *Davis*: whether First Step Act eligibility turns on the statute of conviction, or on a defendant's specific conduct. *Id.* at 778–82. Like the Second Circuit, the Sixth Circuit rejected the government's unwarranted disparity argument. The Sixth Circuit explained that because "Congress intended to rectify disproportionate and racially disparate penalties even where juries could have been asked to find higher drug quantities," the government's argument "amount[ed] to a policy disagreement with Congress" and was therefore unavailing. *Id.* at 782.

The Third Circuit dismissed unwarranted disparity concerns in holding that district courts, in ruling on First Step Act motion, must update its analysis of the sentencing factors in 18 U.S.C. § 3553(a), including a recalculation of the Guidelines range as of the time of resentencing. *See United States v. Murphy*, __ F.3d __, 2021 WL at 2150201, at *7–*8 (3d Cir. May 27, 2021). In *Murphy*, the Third Circuit recognized that the First Step Act's remedial purpose justified any special procedural opportunity limited to eligible defendants with a covered offense; in fact, that was the whole point of the legislation. *Id.* at *7. "[T]he First Step Act *necessarily* singles out this class to benefit from subsequent changes in the law, including the Fair Sentencing Act, because the class initially 'bore the brunt of a racially

disparate sentencing scheme.'" *Id.* (quoting *United States v. White*, 984 F.3d 76, 91 (D.C. Cir. 2020)) (emphasis added).

Indeed, in a different context, the Ninth Circuit has held that policy disagreements with Congress's considered choices do not constitute "unwarranted" sentence disparities within the meaning of Section 3553(a)(6). Congress authorized fast-track programs in certain border districts with high numbers of immigration and drug offenses in the Prosecutorial Remedies and Tools Against the Exploitation of Children Today Act of 2003 ("PROTECT Act"). *See United States v. Marcial-Santiago*, 447 F.3d 715, 718 (9th Cir. 2006). These fast-track programs provide for up to a four-level downward departure, on the condition that a defendant pleads guilty at an early stage of the prosecution and agrees to waive certain rights. *Id.* In *Marcial-Santiago*, defendants in the District of Montana, which does not have a fast-track program, argued that the disparity between their sentences and sentences imposed on similarly situated defendants in fast-track districts was unwarranted. *Id.* at 716. The Ninth Circuit disagreed, reasoning that, "[b]y authorizing fast-track programs without revising the terms of § 3553(a)(6), Congress was necessarily providing that the sentencing disparities that result from these programs are warranted and, as such, do not violate § 3553(a)(6)." *Id.* at 718; *see also United States v. Gonzalez-Zotelo*, 556 F.3d 736, 738 (9th Cir. 2009) (holding that disparity in sentences

between fast-track defendant and non-fast-track defendant in same district is "indeed warranted, because it is justified by Congress's approval of fast-track plea bargaining programs").

In sum, the Section 3553(a) sentencing factor of unwarranted disparity cannot serve as a cover for policy disagreements with the lines that Congress drew in the First Step Act. Congress enacted the First Step Act to remedy two great disparities—between crack- and powder-cocaine offenses and between pre- and post-FSA offenders. It would be deeply ironic, not to mention contrary to Congress's intent, to allow courts to cite disparities in procedural opportunity as a basis for denying First Step Act relief to eligible and deserving defendants.

Conclusion

For the foregoing reasons, Mr. Hills respectfully requests that this Court grant his petition for a writ of certiorari.

Respectfully submitted,

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DATED: June 11, 2021

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