

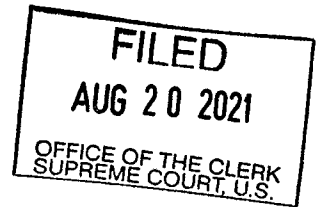
No. _____

ORIGINAL

21-5585

IN THE

SUPREME COURT OF THE UNITED STATES



Willie Lee Davis — 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 THIRD CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Willie Lee Davis
(Your Name)

USP Florence ADMAX, P.O. Box 8500
(Address)

Florence, CO. 81226
(City, State, Zip Code)

(719) 784-9464
(Phone Number)

QUESTION(S) PRESENTED

Whether the lower courts
misinterpreted the 1994
amended version of Title
18 U.S.C. § 1791(c) ?

(i)

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:

(i i)

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OTHER

(iv)

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☒ is unpublished.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 B 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☒ is unpublished.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☐ is unpublished.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☐ is unpublished.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 August 6, 2021.

☒ 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

The 1994 amended version of Title 18 U.S.C. § 1791(c) Appendix A at page 2, and Appendix B at page 4.

STATEMENT OF THE CASE

This is an appeal from a judgment of the United States Court of Appeals for the Third Circuit. The appeal is brought by the Petitioner, Willie Lee Davis, who argued that the jurisdictional requirement imposed by the 1994 amended version of 18 U.S.C. § 1791 (c), only authorizes a consecutive sentence to be imposed for a violation of Section 1791 that involves a controlled substance, and thus, the 1994 amended version of Section 1791(c) conferred an ongoing duty on the court. ¹

1. See Petitioner's pro se motion to resolve an ongoing controversy under Article III (Doc. 147) and Brief In Support (Doc. 148).

STATEMENT OF THE CASE

The District Court ruled on the merits of the Petitioner's motion, by interpreting the 1994 amended version of Title 18 U.S.C. § 1791(c), as authorizing a consecutive sentence to be imposed for any violation of Section 1791. 2

The Petitioner appealed, and the Court of Appeals also interpreted the 1994 amended version of 18 U.S.C. § 1791(c), as providing "that any sentence imposed on an inmate who violates § 1791 will be consecutive to the sentence he was serving when the § 1791 offense was committed. 3

This appeal followed the Court of Appeals decision.

2. See Appendix B at page 4

3. See Appendix A at page 2

REASONS FOR GRANTING THE PETITION

1. The lower courts interpretation of the 1994 amended version of Title 18 U.S.C. § 1791(c) is contrary to it's plain-text, which states that "Any punishment imposed under subsection (b) for a violation of this section involving a controlled substance shall be consecutive to any other sentence imposed by any court for an offense involving such controlled substance."
2. As originally enacted, the section 1791(c) statute authorized a consecutive sentence for any violation of Section 1791, but in 1994, Congress made substantive changes to the text of Section 1791(c), which created a new version of section 1791(c).

REASON FOR GRANTING THE PETITION

3. Under the 1994 amended version of 18 U.S.C. § 1791(c), a consecutive sentence could only be imposed for violations of section 1791 that involved a controlled substance.

4. The Petitioner's violation of section 1791 did not involve a controlled substance, and the 1994 amended version was in effect at the time when the Petitioner violated section 1791.

5. But the District Court took the position that "even considering the merits ■ of Davis' instant motion" "The statute that Davis was indicted, tried, ■ convicted, and sentenced under plainly provides in subsection (c) that any sentence imposed upon an inmate who violates § 1791 shall be consecutive to the sentence he was serving at the time the § 1791 offense was committed." "The 1994 statute has no bearing on Davis's case." 1

1. see Appendix B at page 4

REASON FOR GRANTING THE PETITION

6. Circuit Judge, David J. Porter and two other Circuit Judges also interpreted the 1994 amended version of 18 U.S.C. § 1791(c), and stated that "His statute of conviction specifically provides that any sentence imposed on an inmate who violates § 1791 will be consecutive to the sentence he was serving when the § 1791 offense was committed." 2

7. The Court of Appeals, and the District Court's construction of the 1994 amended version of 18 U.S.C. § 1791(c), is incorrect.

8. Therefore, it is in the interest of justice for this court to interpret the plain-text of the 1994 amended version of 18 U.S.C. § 1791(c), for the purpose of preventing prisoners from being punished for a longer period of time than Congress intended.

2. see Appendix A at page 2.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Willie Davis

Date: August 16, 2021