

21-5927

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

SEP 30 2021

OFFICE OF THE CLERK

In Re

LINDSEY ORR

— PETITIONER

(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

PETITION FOR AN EXTRAORDINARY WRIT HABEAS CORPUS 1224
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

LINDSEY ORR

(Your Name)

L.S.I.T., Allenwood Low Correctional Institution

(Address)

White Deer, Pa. 17887-1000, P.O. Box 1000

(City, State, Zip Code)

(Phone Number)

RECEIVED

OCT - 5 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

1. The Following Question Is Based Upon The Fact That Exceptional Circumstances Warrant The Exercise Of The Court's Discretionary Powers Based Upon This *Extraordinary Writ Request,* And That Adequate Relief Cannot Be Obtained In Any Other Court, Because The Petitioner Orr Would Like To Know Did The Thomas Lee Dean ^{Court} Have Legislative Authorization To Generate By Means Of Implementation Their Holding That Stacking §924(c)'s Towards First Time Offenders Was Proper Based Upon Congressional Statutory Intent?.
2. Did Congress Ever Authorize The Imposition Of Stacking §924(c)'s Towards Non-Recidivists First Time Offenders Of §924(c)?.
- a. Under What Part Of The Lawful §924(c) Provision Provides Authorization To The Attorney General And The Federal Bureau Of Prisons To Sustain The Petitioner Orr In Custody Based Upon Federal Congressional Legislation's Intent As A First Time Offender?

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:

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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:** NO OPINIONS

The opinion of the United States court of appeals 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☐ is unpublished.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 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:** NO OPINIONS

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:** THERE ARE NONE

The date on which the United States Court of Appeals decided my case was _____.

☐ 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:** THERE ARE NONE

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

Amendment #1.

To Be Able To Petition The Government For Redress
Of Grievances.

Amendment #5.

No Person Shall Be Held To Answer For A Capital, Or
Otherwise Infamous Crime, Unless On A Presentation Or
Indictment Of A Grand Jury, Except In Cases Arising
In The Land Or Naval Forces, Or In Militia, When In
Actual Service In Time Of War Or Public Danger; Nor
Shall Any Person Be Subject For The Same Offense To
Be Twice Put In Jeopardy Of Life Or Limb, Nor Shall
Be Compelled In Any Criminal Case To Be A Witness
Against Himself, NOR BE DEPRIVED OF LIFE,* LIBERTY,*
Or Property, Without *DUE PROCESS* OF LAW; Nor Shall
Private Property Be Taken For Public Use, Without Just
Compensation.

STATEMENT OF THE CASE

The Deal Court stated the Following:

- 1 "Thus, If "Conviction" In § 924(c) Meant "Judgment Of Conviction," The Provision Would Be Incoherent,"
- 11 Petitioner contends That This Absurd Result Is Avoided By The "[I]n The Case Of" Language At The Beginning Of The Provision. He Maintains That A Case Is The "Case Of [A] Defendant's Second Or Subsequent" Entry Of Judgment Of Conviction Even Before The Court Has Entered That Judgment Of Conviction And Even Before The Court Has Imposed The Sentence That Is The Prerequisite To The Entry Of Judgment Of Conviction. We Think Not...."
See Post at 508 US 132 [1b].

CONGRESS THINKS SO.

Senator Chuck Grassley: "As Part Of This Reform, Congress Sought To Ensure That Stacking Applied Only To Defendants Who Were *Truly Recidivists*."

Senator Mike Lee (R-UT): "This Is A *Misinterpretation Of Law*"

Rendered By Courts Across The Country That We Are Now Correcting."

The Petitioner Orr thinks so as well,

the petitioner Orr also thinks, as well as knows, that *Congress Never* Authorized The Imposition Of Stacking § 924(c)'s towards Non-Recidivists First Time Offenders Of § 924(c), how does the Petitioner Orr Know this?, because of the two (2) aforesaid Congressmen's statements, that's how the petitioner knows that it was Never Congressional Intent to apply the Second or Subsequent § 924(c)'s towards the petitioner Orr.

These two (2) Senators made these statements in reference to the Clarified Legislation of Section 924(c) Of Title 18, United States Code, the Clarification Of Section 924(c) is under Section 403 Of the First Step Act which states the following:

"(a) In general, - Section 924(c)(1)(C) Of Title 18, United States Code, Is Amended, In The Matter Preceding Clause (i), By Striking "Second Or Subsequent Conviction Under This Subsection" And Inserting "Violation Of This Subsection That Occurs After A Prior Conviction Under This Subsection Has Become Final."

The word Amend means the following:

"Means To Improve, To Remove The Faults Or Errors Of, To Correct."

The word Amendment means the following:

"An Improvement, A Correction, A Revision, A Formal Statement of Such A Revision"

18 U.S.C. 924(c) was amended for these purposes *To Improve*, *To Remove The Faults* Or Errors Of*, To correct, thus, an Amendment containing New Language May Be Intended To correct A Misinterpretation, To Clarify Law, Or To Overrule Wrongly Decided Cases, *Deal Supra* was *OVERRULED* as well as *ABROGATED* because of a *Misinterpretation* of Congressional Statutory Law, how does the petitioner Orr know that *Deal Supra* was *OVERRULED* as well as *ABROGATED*?

Senator Mike Lee: "This Is A *MISINTERPRETATION* OF LAW* Rendered By *COURTS* Across The Country That We Are Now *CORRECTING*." Henceforth the *CLARIFICATION OF §924(c)*

Clarification comes from the word Clarify, the word Clarify means the following:

"Means To Interpret", Interpret means the following:

"To Explain Accurately."

Misinterpretation comes from the word Misinterpret, Misinterpret means the following:

"To Explain INACCURATELY."

Thus, when the two (2) Senators
Mike Lee and Chuck Grassley made their statements they
were *Clarifying* that the Deal Supra Court performed in a
way through its traditional function of construing a statute
and did so in a way that *CONTRADICTED* how the
Executive Had *ENFORCE It*.

So with this being said the Deal Supra's
holding was a clear indication that the Deal Supra's holding was
CONTRADICTORY to the *Executive's Legislative Holding*.
thus, the Deal Supra's holding is erroneous, now, with that being the
case the Deal Supra Court Never Ever had *Legislative Authorization*
to generate by means of implementation their holding that *Stacking*
§924(c)'s towards First Time Offenders was proper based upon
Congressional Statutory Intent.

Thus, without Congress's Statutory
Legislative Authorization the Deal Supra's Decision was
Never Ever Valid Law AB INITIO. thus, Deal's holding was
never binding, ^{thus} with this being the case the Petitioner Orr's
Sentencing Court never had legislative Authorization to
Impose the Second or Subsequent Stacked §924(c) towards
the Petitioner Orr.

The Deal Court and the Petitioner Orr's
Sentencing Court Created their own Authorization to impose
Second or Subsequent Stacked §924(c)'s towards First Time Offenders
like Petitioner Orr, these stacking applications are Unauthorized
because, this is a Separation-Of-Powers Doctrine Violation.

REASONS FOR GRANTING THE PETITION

Is because, a defendant has a Constitutional Right to be deprived of liberty as punishment for Criminal Conduct ~~*Only To The Extent AUTHORIZED By CONGRESS*~~ and a violation of that principle can trench particularly harsh on an individual's liberty, thus, applying the Constitutional Principle of Separation Of Powers is required.

The ~~*Separation of Powers Doctrine*~~ Eradicates Federal Courts Authority to impose a sentence that is ~~*NOT AUTHORIZED*~~ By Congress, without the insertion of this Doctrine this would lead to the imposition of ~~*Manifestly Erroneous Sentences Being Imposed*~~ like the case at Bar with Mr. Orr the petitioner.

Thus, the imposition of a Manifestly Erroneous Unauthorized by Congress Sentence in the form of an additional 9,125 Excessive Days Stemming From a Manifestly Erroneous decision must be disturbed because, of a Separation of Powers ~~*Doctrine Violation*~~ Imposed Sentence, because any other outcome would be ABSTURSE due to the fact that the Stacked Second or Subsequent §924(c) Sentence is not Congressionally Authorized.

This petition must be granted in order to obtain relief because ~~*Federal Courts Do Not Have The Authority To Impose A Sentence*~~ without Legislative Authorization because, ~~*The Power To Prescribe*~~ The Punishments To Be Imposed ~~*Upon Those Found Guilty Of*~~ Federal Crimes ~~*Resides*~~ WHOLLY WITH THE CONGRESS. Accordingly, the ~~*Erroneous imposition*~~ of a ~~*mandatory minimum sentence*~~ is a ~~*Fundamental Defect*~~ that warrants ~~*CORRECTION*~~ because, a misinterpretation of law rendered by any court is a ~~*Legal Error*~~ and when ~~*Courts Commit*~~ Legal Error ~~*in determining that a*~~ defendant is required to be sentenced to an Unauthorized by Congress Mandatory Minimum Term, they transgress the authority that Congress established and effectively erroneously sentenced the defendant in the case at Bar the Petitioner Orr to an Aggravated Unauthorized Sentence.

The Due Process Implication is at the Forefront of the issue ^{and} at hand based upon the deprivation of liberty, and this all stems from the Deal Court's majority intuition not agreeing with the minorities' intuition:
"In The End, Nothing But Personal Intuition Supports The Dissent's Contention That The Statute Is Directed At Those Who Failed To Learn Their Lessons From The Initial Punishment, Like Most Intuitions, It Finds Congress To Have Intended What The Intuitor Thinks Congress Ought To Intend. And Like Most Intuitions, It Is Not Very Precise. . . .
Elsewhere, However, The Dissent Says That The Lesson Is Taught Once An ~~*Earlier*~~ ~~*Conviction Has Become FINAL*~~, post, at 142, 124 L Ed 2d, at 56-"

The aforesaid is the reason for granting The said Petition for the Extraordinary Writ. on behalf of the petitioner Orr.

The reason for not making application to the district court of the district in which the applicant is being held because exceptional circumstances warrant the exercise of the Court's discretionary powers, and that adequate relief cannot be obtained in any other form or from any other court due to the fact that the petitioner Lindsey Orr's claim can only be resolved with this Honorable Court because the Deal Court is the origin of the § 924(c) Stacking claim.

This Writ Should Be Granted Because Congress Never Authorized The Imposition Of Stacking § 924(c)s Towards Non-Recidivists First Time Offenders Of § 924(c).

Senator Mike Lee: "This Is A *Misinterpretation Of Law* Rendered By *Courts Across The Country*..."

Misinterpretation Comes From The Word Misinterpret, This Root Word Means "TO EXPLAIN *INACCURATELY*."

The Power To Prescribe The Punishment To Be Imposed Upon Those Found Guilty Of Federal Crimes *Resides WHOLLY WITH THE CONGRESS*.

CONCLUSION

Relief Sought: Vacatur Of The Second 18 U.S.C. § 924(c), COUNT FOUR*
Based Upon The Aforesaid.

The petition for a writ of certiorari should be granted. Extraordinary Writ Habeas Corpus § 2241.

Respectfully submitted,

LINDSEY ORR 

Date: September 29, 2021