

No. 21-40033

21-5992

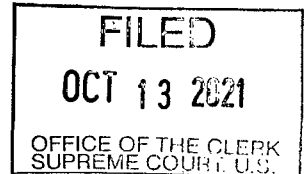
IN THE  
SUPREME COURT OF THE UNITED STATES

JOSÉ MIGUEL RAMÍREZ RODRÍGUEZ — PETITIONER  
(Your Name)

vs.

UNITED STATES. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO



UNITED STATES COURT OF APPEALS FIFTH CIRCUIT  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

JOSÉ MIGUEL RAMÍREZ RODRÍGUEZ  
(Your Name)

FCI THREE RIVERS MACK UNIT  
(Address)

P.O. BOX 4200. THREE RIVERS, TX 78071.  
(City, State, Zip Code)

N/A.  
(Phone Number)

### QUESTION(S) PRESENTED

- 1) the Sentence that. the Judge (Micaela Alvarez) exceded more than the Sentencing Guidelines from 71-77 months. It's on error she broke the legal rules there
- 2) the judge didn't count the 3 points reductions. 2 for pleading Guilty and 1. point for the sentence. She didn't Reduce them.
- 3) My felonies from June 18, 2005. are more than 15 years. she does not have to count them she does not count them to other people
- 4) My felonies are state, not federal.
- 5) Im Just here for Re-entry. for Being ilegal it's an injustice the months. she gave me.
- 6) the Judge (Micaela Alvarez) was Reducing points to everyone Because of cov-id-19. But not to me. was she Racist against me.
- 7) I was on the edge of death. because I got infected. with Covid-19. and I had no help on the GEO. at la Villa. TX. This is on there Medical Record. where i explain for help and I had none I felt Really bad.
- 8) a minor cause is 1. point only. and she gave me 4. points for a minor cause, and.  
my felonie from 2005 and it shouldn't count because it was a long time ago. it's been more than 15 years.

## 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

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## **TABLE OF AUTHORITIES CITED**

**CASES**

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**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 \_\_\_\_\_ 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**:

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 SEPTEMBER 15 - 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: SEPTEMBER 15 - 2021, 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 SEPTEMBER 15 - 2021 (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

- 1) the sentence that the Judge (Micaela Alvarez), exceeded more than the Sentencing Guidelines from 71-77 months. It's an error, she Broke the legal Rules there.
- 2) the Judge didn't count the 3 points Reductions, 2 for pleading guilty and 1 point for the sentence. she didn't Reduce them.
- 3) My felonies from June 18, 2005. are more than 15 years, she does not have to count them. she does not count them to other people
- 4) My felonies are state. not federal.
- 5) I'm Just here for Re-entry for Being ilegal, it's. an injustice the months she gave me.
- 6) the Judge (Micaela Alvarez). was Reducing. points to everyone. because of covid-19. But not to me, was she Racist against me.
- 7) I was on the edge of death because I got infected with covid-19. and I had no help on the GEO- at la villa TX. this is on there Medical Record where i explain for help and I had none I felt Really bad.
- 8) a minor cause is 1 point only and she gave me 4. Points for a minor cause, and for my felony from 2005. and it shouldn't count because it was a long time ago. it's been more them 15 years.



### STATEMENT OF THE CASE

- The district court erred in sentencing Mr. Ramirez Rodríguez. 1) The Sentencing Judge exceeded the sentencing Guidelines. Mr. Ramirez Rodríguez was sentenced to 95 months instead of 71-77 months.
- 2) The Sentencing Judge did not give Mr. Ramirez Rodríguez the 3 point reduction, 2 for pleading guilty and 1 point for the actual sentence. The Sentencing Judge never reduced the points.
- 3) Mr. Ramirez Rodríguez Felonies From June 18<sup>th</sup> 2005 are more than 15 years. and they should not have been calculated to criminal history. He was also given 4 points for misdemeanor in which he should have received 1 point instead.

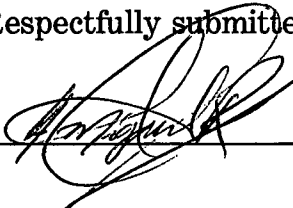
### REASONS FOR GRANTING THE PETITION

Mr. Ramirez Rodríguez was sentenced to 95 months in federal prison in which he should have received 71-77 months, almost 2 years additional time. The district court erred by not giving Mr. Ramirez Rodríguez the 3 point reduction. Mr. Ramirez Rodríguez is in Federal Custody For Re-entry only. He just wanted to live a better life in a country that offers better opportunity, that's all. He has children who are American citizens, one son and one daughter, who he love and care for. Mr. Ramirez Rodríguez ask this honorable Court to have mercy and Compassion allowing him an opportunity to reunite with his Family within the 71-77 months instead of 95 months to prevent a miscarriage of justice.

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



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Date: OCTOBER 4-2021.