

No. 21-7204

Supreme Court, U.S.
FILED

NOV 29 2021

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

COREY LOUIS HINES — PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Court of Appeals For The Eighth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

COREY LOUIS HINES
(Your Name)

P.O. Box 210030
(Address)

Beaumont TX 77720
(City, State, Zip Code)

NA
(Phone Number)

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SUPREME COURT, U.S.

QUESTION(S) PRESENTED

- 1) Can The Bureau of Prisons encumber a inmate account void of a "court order?"
- 2) Can a inmates account be seized void of a valid court order i.e. one that complies with 18 U.S.C. § 3603 and 3604?
- 3) Can the money from the Coronavirus Aid, Relief and Economic Security Act (the "CARES Act") be garnished or money separate from it, be garnished with it?

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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Hines' Account

APPENDIX F

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☐ is unpublished.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☐ is unpublished.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☐ is unpublished.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☐ is unpublished.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 _____.

☐ 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: October 21, 2021, and a copy of the order denying rehearing appears at Appendix C.

☐ 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

Constitutional Amendment V
18 U.S.C. §§ 3603 and 3604

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

United States v. McGlothlin 249 F.3d 783 (2001) (8th Cir.)	Lo. Appx C.
United States v. Vanhorn, 344 F.3d 729 (8th Cir. 2003)	LoB. [REDACTED] Appx C.
Paroline v. United States, 572 U.S. 424 (2014)	[REDACTED] 7

STATUTES AND RULES

18 U.S.C. § 3603	Lo. 7
18 U.S.C. § 3604	Lo. 7

OTHER

Title II, Subtitle B, of the Coronavirus Aid, Relief, and Economic Security Act (the "CARES Act") Pub. L. 116-136 (2020)	5,
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STATEMENT OF THE CASE

On May 19, 2021 Hines received a check from the "CARES Act." After receiving the \$1400.00 check, someone from inside the institution where Hines is currently housed, contacted the U.S. Attorney's Office to inform them that Hines had received the check. This "unauthorized act" on behalf of officials at U.S.P. Beaumont, actuated yet another "unauthorized act" to wit: the U.S. Attorney contacted Warden Dobbs at U.S.P. Beaumont, asking him to encumber Hines' accounts i.e. pre-release; commissary and phone ^{See Appx. D} subsequently. Hines' entire account was encumbered including money that was on his account prior to receipt of the "CARES Act" check, to wit: \$185.01. Hines' ^{See Appx. E} accounts were encumbered. "Pending Federal Court Order" that was not issued until July 6, 2021. See Appx. E

Hines began seeking, per his procedural due process rights, a copy of the alleged "pending federal court order" that was made to appear to the U.S.

District Court. See Appx. C Clearly, that was not from the court. Hines filed objections with the district court, to no avail: and on to the Eighth Circuit Court of Appeals, to no avail...vitiating this current litigation.

STATEMENT OF CASE Cont.

REASONS FOR GRANTING THE PETITION

The restitution order is "void ab initio" due in whole to the district court abusing its discretion via not adhering to the provisions of 18 U.S.C. §§ 3602³ and 3604⁴.

The district court never should have issued a order for Hines to pay "immediately" when there was no evidence that he could do so then, or in the near future!

In United States v. McGlothlin, 249 F.3d 783 (2001), the Eighth Circuit held that:

District court erred in not fashioning a payment schedule that designated a percentage of appellant's monthly earning while incarcerated toward his restitution obligation, and instead demanded full payment immediately

There can be no difference in Hines' case. Yet, the Eighth Circuit has apostated from their ruling in the McGlothlin case. This Court cited McGlothlin *supra*, in

obtain the restitution from the "invalid order."

The Vanhorn case, held that:

A district court must set the manner of payments and length of time over which payments shall be.

United States v. Vanhorn, 344 F.3d 729 (8th Cir. 2003)

Further, Hines is no longer serving the term of the sentence, that the "invalid/void" restitution order was issued in lieu of.

WHEREFORE, for this Court's holding(s) in Paroline, supra; the reason(s) herein & in Hines' motion for petition rehearing and Eighth Circuit precedent, the petition for writ of cert. should be granted

REASON FOR GRANTING THE
PETITION Cont.

Paroline v. United States, 572 U.S. 434 (2014) And
this Court denied writ of cert. in Vonharn v. United
States, 541 U.S. 954 (2004), for obvious reason(s), i.e.
"a payment schedule was set in accordance with
18 U.S.C. §§ 3603A (c)(1)(A)(ii) and 3604 (f)(1)(B)(2)

But in Hines' case, no "payment schedule" was set
and the district delegated its authority to the Fed-
eral Bureau of Prisons (FBOP) to (See Attachment)

CONCLUSION

Hines asks this Court to: 1) Order the void ab initio restitution
order vacated and 2) at a minimum, the \$1,585.01 returned to
him since it was taken unlawfully. [REDACTED]

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Cory Louis Hines

Date: 12.20.21