

843

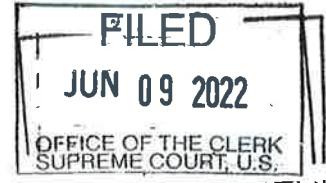
NO. 21-7710

IN THE SUPREME COURT OF THE UNITED STATES

HERNANDEZ DANIELS, Petitioner,

v.

UNITED STATES OF AMERICA, Respondent.



ON PETITIONER FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

PETITION FOR REHEARING

CERTIFICATE OF GOOD FAITH (RULE 44)

The Petitioner, Hernandez Daniels, hereby Certify that this Petition for Rehearing from the denial of Certiorari is presented in good faith and not for delay, and that it is restricted to the grounds specified in Rule 44.2, namely intervening circumstances of substantial or controlling effect and substantial grounds not previously presented.

Under Rule 44.2 of this Court, the Petitioner Hernandez Daniels, hereby respectfully petitions for re-hearing of this Court's order of April 26, 2022 denying Certiorari.

I.

IN LIGHT OF COLLINGTON, 995 F.3D 347 (4TH CIR. 2021), DID THE ELEVENTH CIRCUIT ERRED IN AFFIRMING THE DISTRICT COURT FAILURE TO CONDUCT A MEANINGFUL APPELLATE REVIEW BY FAILING TO EXPLAIN ITS REASON FOR DENIAL?

On April 26, 2021, the Fourth Circuit decided United States v. Collington, 995 F.3d 347 (4th Cir. 2021). In Collington, the Fourth Circuit held: "In light of the more robust nature of First Step Act proceedings, we also hold that they are most naturally reviewed for procedural and substantive reasonableness. On remand, the district court should ensure that its sentence will comport with our typical review for reasonableness, which includes a sufficient explanation of its analysis of the § 3553(a) factors, as applied to Collington."

The 6th, 2nd, and 10th Circuit has adopted the Collington ruling and have been vacating and remanding defendant's sentence due to this ruling. See United States v. Boulding, 960 F.3d 774, 784 (6th Cir. 2020); Anderson v. United States, U.S. Dist. LEXIS 400040 (W.D. of N.Y. 2022); and United States v. Burris, U.S. App. LEXIS 8363 (10th Cir. 2022).

Therefore, in light of Collington, this Honorable Court
should GRANT Daniels' Petition for Rehearing.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing is a true and correct
copy that was mailed/ hand delivered to the Clerk for the United
States Supreme Court, 1 First Street, N.E., Washington, D.C.
20543 on this 9th Day of June, 2022.

JUNE 9, 2022



Hernandez Daniels