

MAY 12 2022

OFFICE OF THE CLERK

No. 21-795121-7951

IN THE

SUPREME COURT OF THE UNITED STATES

OMAR S. FOLKOMAR S. FOLK

— PETITIONER

(Your Name)

VS.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

THIRD CIRCUIT COURT OF APPEALS

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Omar S. Folk

(Your Name)

FCI Allenwood Medium

(Address)

P.O. Box. 2000
White Deer, PA. 17887

(City, State, Zip Code)

(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

Whether the Third Circuit or District Court
Erred in Denying Petitioner § 3582(c)(1)(A)
Release or Reduction of Sentence Due to Danger
To The Community and Under 18 U.S.C. § 3553(a)(factors.

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:

Folk v. United States

RELATED CASES

US v. Ruvalcaba, 2022 U.S. App. Lexis 4235; ___ F.th ___
No. 21-1064 1st Cir. Feb. 15, 2022)
US v. Jackson, 2022 U.S. App. Lexis 6235 No. 21-40322
5th Cir. Mar. 9, 2022)
US v. Grandaill, 25 F. 4th 582, 2022 WL 385920, at *2(8th
Cir. 2022)
US v. Cook, 998 F.3d 1180, 1184(11th Cir. 2021)
US v. Evans, 2021 U.S. App. Lexis 24766 No. 20-11768 11. Cir.
Aug. 19, 2021).

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APPENDIX B SUR Petition For Panel Rehearing denial US v. Folk, No. 20-2924 3d Cir. Feb 14, 2022)

APPENDIX C District Court Opinion on Doc. 232 Filed 8/25/20

APPENDIX D Folk, Omar#12-03317 No. 8549 Medical Records "DCP"

APPENDIX E Folk, Omar "Weight" 11-30-21 262 bls. BMI 30.3

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STATUTES AND RULES

- § 3582(c)(1)(A)
- § 3553(a)
- § 1B1.13

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 A to the petition and is

reported at US v. Folk, 2022 U.S. App. Lexis 380, or,
 has been designated for publication but is not yet reported; or, Jan. 6, 2022).
 is unpublished.

The opinion of the United States district court appears at Appendix C 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

[x] For cases from federal courts:

The date on which the United States Court of Appeals decided my case was Jan. 6, 2022.

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: Feb. 14, 2022, and a copy of the order denying rehearing appears at Appendix B.

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

Eighth Amendment Violation

Fifth Amendment Violation

Sixth Amendment Violation

STATEMENT OF THE CASE

SUMMARY OF THE ARGUMENT

WHETHER DISTRICT COURT ERROR DENYING
PETITIONER COMPASSIONATE RELEASE OR
REDUCTION OF SENTENCE FOR EFFORTS
OF REHABILITATION AND ALLEGED INEFFECTIVE
ASSISTANCE OF COUNSEL UNDER §1B1.13.

ARGUMENT

Petitioner address the matter at hand to be something out of this world. When any layperson could see Petitioner suffer excruciating pain in pretrial stage and Trial stage. Then the facts Petitioner has complete multiple programs in his serving a decade of time. Petitioner will direct the Supreme Court Judge's to Exhibit(D) that clearly warrant relief for compassionate release or reduction sentence as the § 3553(a) factors are warranted for relief. As the District Court did not take any consideration of ineffective assistance of counsel that was clear before Trial Doc. 63 and Doc. 132 also after Trial Doc. 134 when Petitioner new he suffer "Patella-Tendon-Rupture" which undermined Petitioner ability to represent himself during critical stage. See(US v. Jackson, 2022 U.S. App. Lexis 6235 No. 21-40322 5th Cir. Mar. 9, 2022)(District Court erred in denying defendant's Motion for Compassionate release by not applying § 1B1.13 and not addressing rehabilitation also ineffective assistance of counsel upon extraordinary and compelling reasons. Judgment vacated, and remand). This highlighted Petitioner of why he here today as a person who suffer injustice in the law. Petitioner counsel submitted the evidence in document 225-226 but feel also to mention the clear facts as Petitioner also directed in Doc. 92 at 2-3. See(US v. Ruvalcaba, 2022 U.S. App. Lexis 4235; F. No 21-1064 1st Cir. Feb. 15, 2022); See(US v. Crandall, 25 F. 4th 582, 2022 WL 385902, at *2(8th Cir. 2022). Now with these extraordinary circumstance and the facts Petitioner express his concern to PA-C Joseph Macut and Dr. William Young in "DCP" as his concern for surgery and suffering excruciating pain at Exhibit(D). Petitioner has met all four factors to receive reduction of sentence under 18 U.S.C. § 3553(a) factors and § 1B1.13 does not bind a district court when considering a prisoner's motion for compassionate release. See(US v. Jackson, 2022 U.S. App. Lexis 6235 No. 21-40322 5th Cir. Mar. 9, 2022). Petitioner combination of Hypertension and being proper meds to treat this chronic illness the obesity BMI 30.3 with conditions of untreated Diabetes Type II with each toe nail black in coloration accept for two. Then Gallbladder Removal with One Single One Size Gallstone Yellow and Green size of 2.3cm also put Petitioner extraordinary and compelling reason to warrant Petitioner remand back to Third Circuit Court of Appeals. CDC Guidelines implementation on Dec. 14, 2021 was shown that Hypertension was the leading Covid-19 relief with the combination Heart Failure and Blood Clots.

On April 9, 2020 Omar Folk Compassionate Release Doc. 217
On July 23, 2020 Attorney Filed Brief Compassionate Release Doc. 225-226.
On Aug. 17, 2020 Omar Folk Filed Reply Doc. 231
On Aug. 25, 2020 District Court Issued order denying Compassionate Release Doc. 232.

REASONS FOR GRANTING THE PETITION

Now the CDC has repeatedly revised its guidance as to medical conditions that pose a greater risk of severe illness due to Covid-19. Most recently in Dec. 2021, it again updated its guidance to reflect the most available data. See people with certain medical condition.(TRS. For Disease Control & Prevention(Dec. 14, 2021). <https://bit.ly/3854NFY>. BMI is 25 or higher, Heart Failure, Hypertension, Mental Health Condition such as depression and Schizophrenia Substance Use disorder. See(No. 1:11-CR-292 Doc. 196 at 9). See(US v. Evans, 2021 U.S. App. Lexis 24766 No. 20-11768 11 Cir. Aug. 19, 2021).

Petitioner argument is to be approach with eye's open when a lay-person who had a previous operation for the same injury years ago prior he injured his right-knee in Exhibit(D). On 7-27-12 with this said any proceeding by Petitioner during pre-trial stage or trial was undermined when Petitioner Mental State and Health was in question. Then the record from Exhibit(D) by PA-C Joseph Macut and MD William Young support Petitioner evidence of proof that he request surgery on 7-30-12 by Joseph writing down Petitioner remarks. Therefore if these proceeding were revers and remand Petitioner would be subject to Immediate Release. Upon these action in Trial Term Petitioner was offer a Plea Deal for 12 years at MDPA Doc. 135 at 109-111. Which at this time also extraordinary and compelling reasons are met for subject relief period.US v. Cook, 998 F.3d 1180, 1182, (11th Cir. 2021).

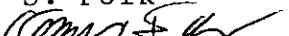
Wherefore Mr. Folk prays Honorable Supreme Court Judges
GRANTED Reverse and Remand back to Third Circuit Court of Appeals.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Omar S. Folk


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P.O. Box. 2000
White Deer, PA. 17887

Date:

May 11, 2022