

22-5401 ORIGINAL  
No. \_\_\_\_\_

Supreme Court, U.S.  
FILED

JUL 26 2022

OFFICE OF THE CLERK

IN THE  
SUPREME COURT OF THE UNITED STATES

Ivan Ray Begay — PETITIONER  
(Your Name)

vs.

United States Of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States

Ninth Circuit Court Of Appeals, James R. Browning

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

PETITION FOR WRIT OF CERTIORARI

Ivan Ray Begay  
(Your Name)

Flagstaff RRC, 1120 W. Kaibab Ln.  
(Address)

Flagstaff AZ 86001  
(City, State, Zip Code)

(928) 323-4975  
(Phone Number)

QUESTION(S) PRESENTED

1.) Did U.S. District Court Of Arizona, Judge Rosenblatt have authority to impose a 302 month Sentence, under 5K2.3 and 5K2.8; without evidence to support § 5K2.3 and § 5K2.8

## 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:

N/A

## RELATED CASES

- 1.) U.S. v. Pujayasa, No. 16-16782  
11<sup>th</sup> Cir. 2017
- 2.) U.S. v. Jacobs, 3<sup>rd</sup> Cir. 1999.  
Floyd Jacobs.
- 3.) U.S. v. Roberson. 5<sup>th</sup> Cir 1989  
Eddie Wayne Roberson.

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## TABLE OF AUTHORITIES CITED

### CASES

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See Appendix -A -

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### STATUTES AND RULES

- 1.) 28 U.S.C § 2241 (a)(1) and (a)(2).
- 2.) FR Crim P. 32, Manifest Injustice.

### OTHER

N/A.

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 B to the petition and is

reported at \_\_\_\_\_ N/A; 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 is unpublished.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 N/A to the petition and is

reported at \_\_\_\_\_ N/A; 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 is unpublished.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 O to the petition and is

reported at \_\_\_\_\_ N/A; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix O to the petition and is

reported at \_\_\_\_\_ N/A; 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 July 22, 2002 - See Appendix B.

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: N/A, and a copy of the order denying rehearing appears at Appendix N/A.

An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (date) in Application No. N/A N/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 N/A. A copy of that decision appears at Appendix O.

A timely petition for rehearing was thereafter denied on the following date: N/A, and a copy of the order denying rehearing appears at Appendix O.

An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (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.) Constitutional Provisions involved are 14<sup>th</sup> Amendment Due Process, to receive sentence enhancements.
- 2.) Statutory Provisions involved are
  - a.) 18 U.S.C. § 2241 (a)(1) and (a)(2).
- 3.) <sup>2001</sup> U.S.S. G. - 5K2.3 / 5K2.8.

STATEMENT OF THE CASE

1.) Judge Rosenblatt abuse his discretion  
when he sentenced petitioner to 382  
months, without evidence to support  
§ 5K2.3 and § 5K2.8.?

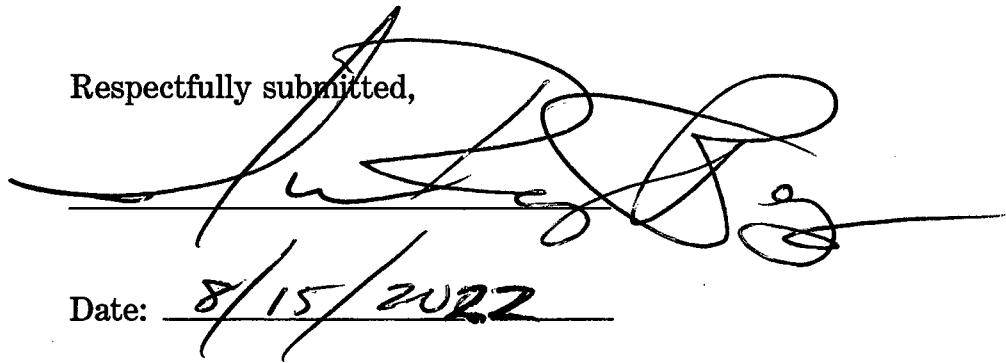
REASONS FOR GRANTING THE PETITION

1.) Sentencing Judge erred on granting U.S. Gov't Motion for upward departure of 4 level, without any evidence to support § 5K2.3 and § 5K2.8.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Doe", is written over a horizontal line. The signature is fluid and cursive.

Date: 8/15/2022