

22-6408

No. \_\_\_\_\_

ORIGINAL

Supreme Court, U.S.  
FILED

NOV 22 2022

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Samuel Wood — PETITIONER  
(Your Name)

vs.

Mike Brown — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Sixth Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Samuel Wood Prisoner No. 709359  
(Your Name)

Newberry Correctional Facility

(Address) 13747 E. County Road 428

Newberry, Michigan 49868

(City, State, Zip Code)

N/A

(Phone Number)

**QUESTION(S) PRESENTED**

Is the state of Michigan in the absence of Statutory Authority. See 18 U.S.C. § 3584(a) Petitioner was already subject to the state sentences.

Petitioner says [Yes]

Respondent's says [No]

Can a defendant who is sentenced in Federal court and is subsequently sentenced in a state court have a state sentence imposed to commence at the completion or expiration of a Federal Sentence in the absence of Statutory Authority.

Petitioner says [No]

Respondent's says [Yes]

## **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:

Ms. Andrea M. Christensen - Brown

Mr. John S. Pallas

## **RELATED CASES**

## **TABLE OF CONTENTS**

OPINIONS BELOW.....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	
STATEMENT OF THE CASE .....	
REASONS FOR GRANTING THE WRIT .....	
CONCLUSION.....	

## **INDEX TO APPENDICES**

**APPENDIX A**

**APPENDIX B**

**APPENDIX C**

**APPENDIX D**

**APPENDIX E**

**APPENDIX F**

## TABLE OF AUTHORITIES CITED

CASES		PAGE NUMBER
Petition of Carey	372 Mich. 378, 126 N.W.2d 727 (1964).	
Setser v. United States	No. 10-7387	March 28, 2012.
People v. Sawyer	410 Mich 531 302 N.W.2d 34	(1981).
People v. Clark	463 Mich 459 619 N.W.2d 530	(2000).
People v. Pomponio	2022 535	Jan. 27, 2022.
People v. Deleon	317 Mich App 714 721, 895 N.W.2d 577	(2016).
Oregon v. Ice	555 U.S. 160, 168-169	
U.S. v Hollins Johnson	No. 20-3330	Ruling in Bowman
Barden v. Keohane	921 F.2d 476 (1990)	No. 21501.

### STATUTES AND RULES

BOP's Failure to retroactively designate state prison as the place of confinement. Petitioner is being deprived of 2,324 days served by BOP. See Petitioner's sentence monitoring computation data sheet dated 9-18-2013 (Federal Writ), from 2007 to 2013.

1. **NUNC pro tunc**
2. **USSG § 561.3**
3. **5K2.23 undischarge terms of imprisonment.**

**OTHER** The state of Michigan has failed to correct there

Time - 5,396  
Days Judgment of sentence that was imposed concurrently running with a federal sentence, The state sentence was 14 years to 8 months with 24 months and 286 days credit, which is 176 months subtracting out 1016 days makes 11 years with a cut date of 2025, 4,015 days served, the sentence is u.s. only recalculated

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 Court of Appeals for Sixth Circuit; 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 Eastern district of Michigan Southern division; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished. And the Western district Northern division,  
Michigan

[ ] 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 Michigan Appeals court; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

The opinion of the Michigan Supreme Court 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 July 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: Aug 29, 2022, and a copy of the order denying rehearing appears at Appendix Sep 13, 2022.

[ ] 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.

A letter was wrote on 9-4-2022

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 \_\_\_\_\_.

None [ ] A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

None [ ] 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**

Yes

### **REASONS FOR GRANTING THE PETITION**

The petitioner should not be subject to  
A continued state sentence that was running  
concurrently with a federal sentence serving.

The petitioner has been deprived of 2,324 days served. The state of Michigan has caused a unjust placement and a wrongful calculation of time served.

#### **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Samuel Word

Date: 11-22-2022