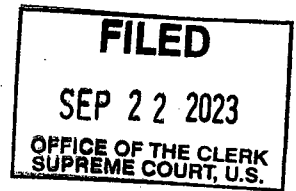


No 23-5929

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



Anthony Andrews — PETITIONER
(Your Name)

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Fourth circuit Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Anthony Andrews
(Your Name)

FPC Butner, P.O. Box 1000
(Address)

Butner, NC. 27509
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

- 1.) Does Peyton v. Rowe, 391 US 54 (1968)
extend to proceedings as to the construction
of An Aggregate Sentence for the purpose
of Adjudicating Release under 18 USC 3582(c)
and FSA-2018 404 and 603(a) ?
- 2.) IF Yes, Aggregate Sentence Imposed
Violates U.S. v. Concepcion, 142 S.Ct 2389
(2022) and Certiorari granted.

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:

RELATED CASES

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Appendix H,	<u>US Probation, FSA 404(b) recalculation</u> <u>of Guideline Range, 7:01-cv-27-M and</u> <u>7:16-cv-30-D Are Aggregated, 144 months</u>
Appendix I	<u>FBOP Computation 7:16-cv-30-D And</u> <u>7:01-cv-27-M, 144 months Aggregate</u>
Appendix J	<u>18 usc 3584 statute</u>

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<u>Payton v. Rowe</u> , 391 US 54 (1968)	4, 5
<u>Garlotte v. Fordice</u> , 515 US 39 (1995)	4
<u>US v. Concepcion</u> , 142 S. CT 2389 (2022)	5

STATUTES AND RULES

FSA-2018 404(b), 12/2/2018
18 USC 3582(c)
18 USC 3584(a)
FSA-2018 603(a), 12/21/2018

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 _____; 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☒ is unpublished.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 March 22nd, 2023

☐ 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: MAY 1st, 2023, 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 Sept. 28th, 23 (date) on June 15th, 23 (date) in Application No. 22A1086.

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

Amendments 5th and 14th

FIRST STEP Act - 2018, Dec. 21st, 2018

18 USC 3582(c)

18 USC 3584 (a)

FSA-2018 404(b)

FSA-2018 603 (a)

STATEMENT OF THE CASE

Petitioner Andrews is serving aggregated sentences in the Eastern District of NC. On Nov. 15th, 2018 I was sentenced to 132 months for Oxycodeone conspiracy. On August 9th, 2019 as a result of the 2018 conviction, I was sentenced to 12 months consecutive. Under 18 USC 3584(a), BOP Aggregated them into one (144 month sentence). Andrews avers under Peyton v Rowe 391 US 54 (1968) that courts typically view consecutive sentences, like those imposed here "in the aggregate, not as discrete segments". See Garlotter v. Fordice, 515 US 39 (1995). Andrews request extension of Rowe to post-judgment proceedings under 18 USC 3582(c) and FSA-2018 404(b) and 603(a) proceeding, "not only in the habeas context." Under FSA 404(b), my conviction in 7:16-cr-30-D is not a covered offense but Aggregated by one in 7:16-cr-27-M. See Appendix (E) thru (I). These proceedings remain in the 4th circuit in 23-6281, US v. DOE. As well a 28 USC 2101(f) stay is filed to Justice Roberts for Appeal No 22-7332(L) I request certiorari be granted to answer the question presented.

REASONS FOR GRANTING THE PETITION

Under Peyton v. Rowe, 391 US 54 (1968)
the Courts find that under habeas that
custody extended to either Sentence for
challenge when Aggregated into
One Sentence. I am seeing Aggregated
Sentences but the district Court and
Appeals Court did not Apply or extend
Rowe to these Sentences, but treated them
as "discrete segments" that violates
Rowe. Due to Aggregation under
18 USC 3584(a), in this case, either judge
could reduce the 144 month Aggregate
Sentence. "One is not dispositive of the other."

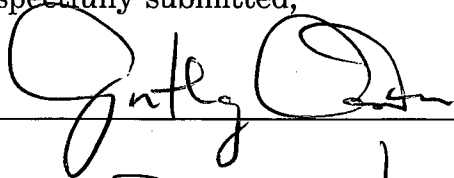
Under US v. Concepcion, 142 S.Ct 2389
(2022), the 144 months Aggregated has
A racial disparity intertwined. Either
Judge could review under FSA 404(b), 603(a)
or 18 USC 3582(c) if Rowe is Extended to
these Post-Judgment proceeding, not only
those and in habeas.
2241, 2254, 2255

Respectfully
J. J. #15965-058

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: Sept. 22nd 2023