

NO. _____

**IN THE
SUPREME COURT OF THE UNITED STATES**

KEATRON WALLS,
Petitioner,
vs.

UNITED STATES OF AMERICA,
Respondent.

**MOTION FOR LEAVE TO
PROCEED *IN FORMA PAUPERIS***

Petitioner, Keatron Walls, pursuant to Rule 39.1, Rules of the Supreme Court, and 18 U.S.C. § 3006 A(d)(7), requests leave to file the attached Petition for Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit without prepayment of costs and to proceed *in forma pauperis*. The undersigned was appointed to represent the Petitioner by the District Court for purpose of appeal pursuant to 18 U.S.C. § 3006 A(d)(6).

Dated this 25th day of March, 2024.

Respectfully Submitted,

THE WHARTON LAW FIRM

s/Alexander C. Wharton
Alexander C. Wharton, Esq. (#26937)
Attorney for Petitioner, Keatron Walls
The Wharton Law Firm
1575 Madison Avenue
Memphis, TN 38104
Phone: (901) 726-6884
Email: alexanderwharton@thewhartonlawfirm.com

NO. _____

**IN THE
SUPREME COURT OF THE UNITED STATES**

KEATRON WALLS,
Petitioner,
vs.

UNITED STATES OF AMERICA,
Respondent.

**ON PETITION FOR A WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT**

PETITION FOR A WRIT OF CERTIORARI

Alexander C. Wharton, Esq. (#26937)
Attorney for Petitioner
The Wharton Law Firm
1575 Madison Avenue
Memphis, TN 38104
Phone: (901) 726-6884
Email: alexanderwharton@thewhartonlawfirm.com

TABLE OF CONTENTS

TABLE OF AUTHORITIES	v	
QUESTION(S) PRESENTED FOR REVIEW.....	vii	
LIST OF PARTIES.....	viii	
OPINION BELOW.....	2	
JURISDICTION	2	
STATUTORY AND OTHER RULES.....	3	
STATEMENT OF THE CASE.....	6	
REASONS FOR GRANTING THE PETITION.....	9	
ARGUMENT	10	
The Sixth Circuit Court of Appeals committed error in holding that 18 U.S.C. § 2261A(1) is not an unconstitutional expansion of the Commerce Clause in light of this Court’s ruling in <i>Dobbs v. Jackson Women’s Health</i> , 142 S. Ct. 2228, 213 L.Ed.2d 545 (2022), which was issued after Defendant’s trial. The Circuit Court of Appeals also erred by ignoring United States Supreme Court precedent and excused the District Court’s cursory review of Walls’ argument for a variance in contradiction of the holding in <i>Rita v. United States</i> , 551 U.S. 338, 356, 127 S. Ct. 2456, 168 L. Ed. 2d 203 (2007) Finally, the Circuit Court of Appeals erred in finding that the 444-month sentence was substantively reasonable and did not violate the 8 th amendment to the United States Constitution in light of Defendant’s significant and well-documented mental health illnesses.		11
CONCLUSION.....	20	
CERTIFICATE OF SERVICE	21	

APPENDIX.....	23
---------------	----

TABLE OF AUTHORITIES

Cases

<i>Chavez-Meza v. United States</i> , 138 S. Ct. 1959 (2018).....	17
<i>Dobbs v. Jackson Women's Health</i> , 142 S. Ct. 2228, (2022).....	vii, 10, 11, 12
<i>Gall v. United States</i> , 552 U.S. 38, 51 (2007)	16
<i>Gregg v. Georgia</i> , 428 U.S. 153 (1976)	13
<i>Lopez</i> , 514 U.S. 549, (1995)	11, 12
<i>Massachusetts v. United States HHS</i> , 682 F.3d 1 (1st Cir. 2012).....	13
<i>Rita v. United States</i> , 551 U.S. 338 (2007).....	iii, vii, 16
<i>United States v. Bredimus</i> , 352 F.3d 200 (5th Cir. 2003).....	11
<i>United States v. Coffer</i> , 860 F. App'x 416 (6th Cir. 2021)	16
<i>United States v. Ho</i> , 311 F.3d 589 (5th Cir. 2002)	12
<i>United States v. Hope</i> , No. 2:17-cr-20296-2 (6th Cir. Filed September 12, 2019).	2, 24
<i>United States v. Keatron Walls</i> , No. 2:17-cr-20296-1, 22-5803 (6th Cir. Filed October 20, 2023)2	
<i>United States v. Kennedy</i> , 683 F. App'x 409 (6th Cir. 2017).....	17
<i>United States v. Libbey-Tipton</i> , 948 F.3d 694 (6th Cir. 2020).....	16
<i>United States v. Lopez</i> , 514 U.S. 549 (1995).....	11, 12, 14
<i>United States v. Martinez</i> , 599 F. Supp. 2d 784 (W.D. Tex. 2009).....	12
<i>United States v. Morrison</i> , 529 U.S. 598, 608 (2000)	11, 12
<i>United States v. Vonner</i> , 516 F.3d 382 (6th Cir. 2008).....	17

Statutes

18 U. S. C. §922(g)	passim
18 U.S.C. § 924(a)(2).....	4, 11
18 U.S.C. § 3553	19, 20, 23
21 U.S.C. 802.....	3, 11
21 USCS § 812.....	4
28 U.S.C. § 1254 (1).....	1

Rules

Federal Rule of Criminal Procedure 29(a).....	3, 8
Federal Rule of Evidence 401	2
Federal Rule of Evidence 403	2
Federal Rule of Evidence 404(b)	2

Constitutional Provisions

U.S. Const. art. I, § 8, cl. 3.....	vi, 11
-------------------------------------	--------

QUESTIONS PRESENTED FOR REVIEW

- 1.) Whether the Circuit Court of Appeals erred in holding that 18 U.S.C. § 2261A(1) is not an unconstitutional expansion of the Commerce Clause in light of this Court's ruling in *Dobbs v. Jackson Women's Health*, 142 S. Ct. 2228, 213 L.Ed.2d 545 (2022), which was issued after Defendant's trial; and
- 2.) Whether the Circuit Court of Appeals erred by completely disregarding United States Supreme Court precedent when it excused the District Court's cursory review of Walls' argument for a variance in contradiction of the holding in *Rita v. United States*, 551 U.S. 338, 356, 127 S. Ct. 2456, 168 L. Ed. 2d 203 (2007) in which the Supreme Court held that a defendant's non-frivolous argument for a downward variance from the Guidelines requires "the judge ... go further and explain why he has rejected those arguments"; and
- 3.) Whether the Circuit Court of Appeals erred in finding that the 444-month sentence was substantively reasonable and did not violate the 8th amendment to the United States Constitution in light of Defendant's significant and well-documented mental health illnesses and his lack of any criminal history record prior to the offenses at issue.

LIST OF PARTIES

All parties 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:

Keatron Walls, Petitioner

United States of America, Respondent

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner, Keatron Walls, respectfully prays that a writ of certiorari issue to review the judgment below.