

23-7292

No. 22-415-CR(L) ORIGINAL

22-1200-CR (Con)

FILED
APR 03 2024
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

Morris Fuller — PETITIONER
(Your Name)

^{Judges:} District Judge Honorable ^{VS.} I. Leo GLASSER & final ruling of merit Circuit
John M. WALKER JR. Susan L. CARNEY — RESPONDENT(S)
MICHAEL H. PARK

ON PETITION FOR A WRIT OF CERTIORARI TO : United States
Court of Appeals for the 2nd Circuit. held at the
Thurgood Marshall United States Courthouse 7th day of
FEBRUARY, 2024

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

PETITION FOR WRIT OF CERTIORARI

MORRIS FULLER reg # 70809053
(Your Name)

P.O. Box 900
(Address)

RAYBROOK, NEW-YORK
(City, State, Zip Code)

NONE
(Phone Number)

RECEIVED
APR 15 2024
OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

If petitioner was sentenced to mandatory minimum in 2011 and his mandatory minimum changed, why was judge so adamant at not simply giving him the ~~new~~ new mandatory minimum

If judge gave A below the guideline sentence 13 years ago. What made him content to give A above guideline sentence today

What would make a District Judge give a contract killer who killed 19 people a lighter sentence than a non violent drug offender

* District Court stated that Petitioner's 240 month sentence was only slightly higher than the maximum recommended range of 188 - 235 months. After admitting Petitioner was eligible for relief but not entitled. Question what justified an upward departure from today's revised retroactive Guidelines?

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 *United States v. Thomas*
App'x 63,65 (2nd Cir. 2020)

(citing *United States v. Holloway* 956 F.3d
660, 664 (2^d Cir. 2020))

TABLE OF AUTHORITIES CITED

CASES

citing (United States v. Holloway 956 F.3RD
660, 664 (2nd Cir 2020))

PAGE NUMBER
Related Cases

United States v. Thomas appx 63,65, (2nd Cir 2020)

STATUTES AND RULES

FAIR Sentencing Act Retroactive for
Covered offenses Committed before Aug. 3, 2010

First step Act, Pub. L. NO. 115-391; 132 stat. 5194

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 _____ 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 _____ 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 7th day of Feb. 2024

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: _____, 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. § 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

Retroactive PASSING of First Step Act Pub.L. NO 115-391; 132 STAT. 5194

Which made the Fair Sentencing Act's cocaine sentencing disparity reduction retroactive to offense conduct before the was enacted and reduced the relevant mandatory minimum under 21 U.S.C from twenty years to fifteen years. First Step Act 404(A) defines a covered offense for purposes of the retroactive relief as "A violation of a federal criminal statute penalties for which were modified by section 2 or 3 of the Fair Sentencing Act of 2010 that was committed before August 3, 2010 by the defendant." The Act goes on in Section 404(b) to allow the court to on a motion "impose a reduced sentence as if sections 2 and 3 of the Fair Sentencing Act of 2010 were in effect at the time covered offense was committed. Congress also lowered the Guidelines as well as mandatory minimum sentences for someone who pleads guilty to 50 grams of cocaine base from life in prison to 40 years; this necessarily changed the guideline calculation for someone sentenced and or convicted as a career offender under

U.S.S.G. § 4B1.1. Furthermore by making possession of 50 grams or more of cocaine base a violation of 841(b)(1)(b) instead of a 841(b)(1)(A). Reduced the statutory maximum sentence from life imprisonment to 40 years this also reduced applicable advisory guideline offense level from 37 points to 34 under U.S.S.G. § 4B(1)(1) B resulting in a new advisory guideline range of 188-235 months. Instead of the District Court complying with the U.S.S.C, Congress and the President they alluded to post sentencing conduct prison infractions. One incident report that was cited at sentencing in 2011, cited at District Court 11 years later for purpose of denial of retroactive relief in 2022, also cited on government behalf in 2024 for further denial by Circuit 2024 three times Government used a prison infraction over the course of 14 years to justify retroactivity of statute change in mandatory sentence and guideline range from.

STATEMENT OF THE CASE

On Novemberth 2009

Petitioner was Arrested for conspiracy to distribute 50 grams or more Cocaine base. Only Charge Petitioner Committed after pleading guilty and Sentenced to 240 months (20 years) on Nov. 9th 2011. During the course of serving this lengthy term of incarceration for a non violent drug offense Congress along with U.S.S.C. and President Trump worked together to fix these long HARST prison terms, by Adjusting the ^{HARSH} MANDATORY, sentences and harsh guidelines and the effect it had on ~~the~~ our Country. Had the district Court conceded or fairly Abided by the new sentencing guidelines and statute surrounding the prison term deemed acceptable which says 15 years is sufficient for a prior drug convictions Petitioner would be in society trying to rehabilitate and put what's left of his life in order, It goes beyond a form of abuse of discretion Honorable Glasser. Used his power on more than one occasion to disregard The laws and statutes set forth to correct these harsh oppressive prison terms. he reflected on one incident report that occurred in 2010 for 14 years he dwelled on this particular fight petitioner had. No one was killed or mortally wounded. This particular incident report was only defense government had very little law cited to justify denial of retroactivity. This is coming from a Magistrate that set free a SERIAL killer. A man who executed 19 people under the instructions and orders of a MAFIA boss Honorable Glasser handed down a 5 year sentence to a hitman who killed 19 people on U.S. soil. Clearly there is a personal issue or grievance between Honorable Glasser and Petitioner. The Petitioner has served almost 75% percent of his 20 year sentence your Honorable Glasser has no regard for Sentence reform, nor forgiveness and compassion for the destruction that these harsh drug sentences did to the lower class communities and the families it effected this is a prime example of too much power and discretion being left if Judges hands.

REASONS FOR GRANTING THE PETITION

Petitioner feels ^{that} after Congress, U.S.S.C, and the President at the ^{time} Donald Trump. worked hand in hand to do away with the MASS incarceration and lengthy imprisonment of non-violent drug offenders. there hard work is going in vain with to much power being left in Judges hand's who Abuse there discretion when ever they feel like it. The system isn't corrupt but certain levels of the Judicial system ARE in fact in question. Reason petitioner feels that petition should be granted. Along with U.S.S.C. and Law maykers I feel 15 years in prison for a non violent drug offense is a sufficient debt payed to society especially if U.S.S.C, President, and Other circuits are Agreeing that statue 841(b)(1)(b) and other statues were to harsh. Petitioner reasons Also include the useage of A incident report one that was used at sentencing in 2011, then used Again 11 years later in the ~~Circuit~~ ^{District} for denial of retroactivity of First step, then same report used two years later in Circuit for denial. Is a blatant form of Abuse of Discretion especially when this oppressive Abuse of power is being Administrated to A non violent drug offender at the hands of A magistrate that handed down A 60 month prison sentence to A contract killer A man who murdered 19 American Citizens for criminal wealth and gain. Petitioner should be given a chance to exercise his rehabilitation in society and get on with his life with little or no supervision After serving 5 years more then what the U.S.S.C LAWMAKERS deemed sufficient for his debt to society

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Mon Fuller

Date:

3/29/24 (mailed)