

23-7440  
No.

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

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MICHAEL PAUL PUZEY,

PETITIONER

v.

UNITED STATE OF AMERICA,

RESPONDENT

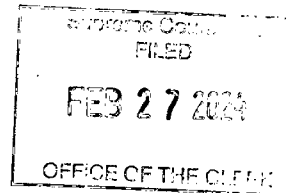
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On Petition for a Writ of Certiorari to the United  
States Court of Appeals,  
Fourth Circuit

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**PETITION FOR WRIT OF CERTIORARI**

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Michael Paul Puzey  
Reg. No. 23940-016  
FCI-FORT DIX  
P.O. BOX 2000  
FORT DIX, NJ 08640  
PRO SE

## **Questions Presented**

1. "Balancing Justice and Compassion: A Case for Revisiting Compassionate Release under the First Step Act"

### **List of Parties**

All parties appear in the caption of the case on the cover page.

## **Petition for a Writ of Certiorari**

Petitioner Michael Paul Puzey respectfully petitions for a writ of certiorari to review the decision of the United States Court of Appeals for the Fourth Circuit.

### **Opinion Below**

The opinion of the Fourth Circuit under review; a copy is attached hereto.

### **Statement of Jurisdiction**

The Fourth Circuit issued its decision on November 28<sup>th</sup>, 2023. The time within which to file a petition for a writ of certiorari extends February 30<sup>th</sup>, 2024. This Court has jurisdiction pursuant to 28 U.S.C. § 1254(1).

### **Constitutional Provisions**

The Fifth Amendment to the U.S. Constitution provides in pertinent part that: “No person shall be...subject for the same offense to be twice put in jeopardy of life or limb....”

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## **ATTACHMENTS**

1). Court of Appeals Opinion.....	A
2). District Court Opinion.....	B

## **Table of Authorities**

### **Cases**

No case law cited in support of petition.

## **Reasons for Granting the Writ**

### **1. "Balancing Justice and Compassion: A Case for Revisiting Compassionate Release under the First Step Act"**

#### **RELEVANT FACTUAL AND PROCEDURAL HISTORY**

##### **A. Statement of the Case**

On December 5, 2000, Puzey was indicted in case number 3:00-CR-57, along with 25 co-defendants, and charged with various offenses related to the distribution of controlled substances. 3:00-CR-57, ECF No. 1. On December 7, 2000, Puzey was indicted in case number 3:00-CR-64 along with one co-defendant, and charged with aiding and abetting one another to use and carry firearms in relation to a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1). 3:00-CR-64, ECF No. 1.

Puzey's jury trial on both indictments commenced on April 23, 2001, and on April 26, 2001. Puzey was found guilty of Counts 1, 38, 44, 54, 55 and 63 of 3:00-CR-57 and Count 1 of 3:00-CR-64. ECF No. 571.

On October 29, 2001, Puzey was sentenced in regard to 3:00-CR-57, to: life imprisonment for his conviction for Count I; 240 months for his conviction for Count 38, to run concurrently to Count 1; 240 months for his conviction for Count 44, to run concurrently to Count I; 240 months for his conviction for Count 54, to run concurrently to Count 1; and 480 months for his conviction for Count 55, to run concurrently to Count 1. Puzey was further sentenced for his conviction for Count 1 of 3:00-CR-64, to five years imprisonment to run consecutively to Count 1 in 3:00-CR-57-16. ECF No. 848 at 2.

##### **A. Appeal**

Puzey appealed his conviction in the United States Court of Appeals for the Fourth Circuit, in that court's docket number 01-4875. ECF No. 963. By unpublished per curiam opinion issued on August 11, 2003, the Fourth Circuit affirmed Puzey's conviction and sentence. ECF No. 1009. The Supreme Court denied his petition for certiorari on December 15, 2003. ECF No. 1019.

## B. Post-Conviction Proceedings

On July 26, 2004, Puzey filed his first Motion to Vacate pursuant to 28 U.S.C. § 2255. ECF No. 1047.2 Therein, he alleged that: (1) there was an Apprendi error related to the drug quantity attributed to him; (2) his sentence was improperly imposed because of Guidelines § 5G1.2(d) "stacking"; (3) the District Court imposed a life sentence, in excess of the maximum provided by law; and (4) his sentence violated his Sixth Amendment rights; and (5) he received ineffective assistance of counsel. Id.

On July 1, 2005,<sup>3</sup> a Report and Recommendation was entered which recommended that

But Puzey's § 2255 Motion be denied. ECF No. 1096. On October 24, 2005, the Court adopted the Report and Recommendation, and denied and dismissed the Motion to Vacate. ECF No. 1127. Puzey filed a notice of appeal on November 9, 2005, in a case which was docketed with the Fourth Circuit as 05-7817. ECF Nos. 1132, 1143.

By unpublished per curiam opinion issued May 4, 2006, the Fourth Circuit dismissed the appeal because Puzey neither obtained a certificate of appealability nor made the requisite showing to merit such a certificate. ECF No. 1166.

Puzey filed a motion to reduce sentence on March 28, 2008. ECF No. 1247. The District Court denied this motion on May 7, 2009. ECF No. 1371. On December 29, 2008, Puzey filed a motion for relief from judgment pursuant to Federal Rule of Criminal Procedure 57(b) and Federal Rule of Civil Procedure 60(b). ECF No. 1326.

On July 2, 2009, a Report and Recommendation was entered which recommended that Puzey's motion for relief from judgment [ECF No. 1326] be denied. ECF No. 1402. The District Court adopted the Report and Recommendation on August 26, 2009. ECF No. 1418. On October 19, 2009, Puzey filed a notice of appeal of the order adopting the Report and Recommendation, in a case docketed by the Fourth Circuit as 09-7936. ECF Nos. 1428, 1430. The Fourth Circuit issued an unpublished per curiam opinion on August 31, 2010, which dismissed the appeal because Puzey had neither obtained a certificate of appealability nor made the requisite showing to merit such a certificate. ECF No. 1513.

On November 5, 2010, the Fourth Circuit denied the petition for rehearing. ECF No.



1518.

Puzey filed a second motion to vacate on March 10, 2014. ECF No. 1593.

Following issuance of a notice of deficient pleading, Puzey refiled his motion to vacate on the court-approved form on March 24, 2014. ECF No. 1602. On March 28, 2014, a Report and Recommendation was entered which recommended dismissal with prejudice as a second or successive petition filed without first obtaining authorization from the Fourth Circuit Court of Appeals. ECF No. 1607. On April 30, 2014, the District Court adopted the Report and Recommendation, denied the motion to vacate and dismissed the matter with prejudice. ECF No. 1619. Puzey filed a motion for reconsideration on May 19, 2014, and a motion to amend the motion for reconsideration on June 3, 2014. ECF Nos. 1621, 1623. On June 16, 2014, the District Court denied both motions. ECF No. 1625. Puzey filed another motion to amend his motion to vacate on June 27, 2014. ECF No. 1627.

On June 30, 2014, Puzey filed a notice of appeal in a case docketed by the Fourth Circuit as 14-6978. ECF Nos. 1629, 1631. On November 20, 2014, the Fourth Circuit, by unpublished per curiam opinion, dismissed the appeal in 14-6978 because Puzey had neither obtained a certificate of appealability nor made the requisite showing to merit such a certificate. ECF No. 1662.

Following the filing of the notice of appeal in 14-6978, on July 25, 2014, the District Court entered an order denying Puzey's June 27, 2014 motion to amend. ECF No. 1632. Puzey filed another notice of appeal on August 6, 2014, in a case docketed by the Fourth Circuit as 14-7170. ECF No. 1634. On December 23, 2014 the Fourth Circuit, by unpublished per curiam opinion, dismissed the appeal in 14-7170 because Puzey had neither obtained a certificate of appealability nor made the requisite showing to merit such a certificate. ECF No. 1673.

On November 17, 2014, Puzey's filed a motion to reduce sentence ECF No. 1658. The District Court denied Puzey's motion to reduce sentence on March 16, 2015. ECF No. 1688. Following that ruling, Puzey filed another appeal with the Fourth Circuit on March 26, 2015, which was docketed as 15-6434. ECF No. 1693.

The Fourth Circuit affirmed the District Court's denial of Puzey's motion for reduction of sentence by per curiam opinion dated July 24, 2015. ECF No. 1729. On

August 10, 2016, the Fourth Circuit, in a case docketed as 16-3021, denied Puzey authorization to file a second or successive motion pursuant to 28 U.S.C. § 2255. ECF No. 1802.

On October 28, 2016, Puzey filed another motion for relief from judgment under Federal Rule of Civil Procedure 60(d)(3). ECF No. 1803. The District Court denied Puzey's motion for relief from judgment on November 18, 2016. ECF No. 1805.

On December 29, 2016, Puzey filed a motion to alter or amend judgment pursuant to Federal Rules of Civil Procedure 59(e) and 52(b). ECF No. 1807. On February 21, 2017, the District Court denied the motion to alter or amend. ECF No. 1812. Puzey filed a notice of appeal on March 10, 2017, in a case docketed by the Fourth Circuit as 17-6316. ECFNos. 1817, 1822. On July 25, 2017, by unpublished per curiam decision, the Fourth Circuit affirmed the District Court's order denying Puzey's motion to alter or amend. ECF No. 1844.

On October 23, 2017, Puzey filed his third Motion to Vacate, pursuant to 28

U.S.C. § 2255. ECF No. 1857. Puzey filed eight attachments with his motion. Id. On December 22, 2017, Puzey filed a motion for expedited disposition of his Motion Under 28 U.S.C. § 2255 to Vacate. ECF No. 1867.

In sum, all post-conviction motions were denied. The instant motion seeks to reinstate Puzey's compassionate release motion denied on February 17th, 2021.

**The United States of America, Plaintiff, v. Michael Paul Puzey, Defendant**

**I. "Balancing Justice and Compassion: A Case for Revisiting  
Compassionate Release under the First Step Act"**

**Argument (Part A.)**

The essence of this case revolves around the district court's denial of Michael Paul Puzey's motion for compassionate release under the First Step Act of 2018, which amended 18 U.S.C. § 3582(c)(1)(A). This legislative amendment empowers courts to independently consider motions for compassionate release, bypassing the traditional requirement for a motion from the Bureau of Prisons (BOP) Director. The Fourth Circuit's decision to remand the case back to the district court, citing procedural errors, underscores the complexity and significance of evaluating compassionate release motions under the amended statute.

## **I. The First Step Act's Framework for Compassionate Release**

The First Step Act of 2018 represents a pivotal shift in federal sentencing law, allowing defendants to petition for compassionate release directly to the courts. This modification ensures that defendants have a viable path to request sentence reductions due to "extraordinary and compelling reasons" beyond the reach of the BOP. In the case of Michael Paul Puzey, the district court's engagement with this framework—acknowledging the defendant's extraordinary and compelling circumstances yet denying release based on 18 U.S.C. § 3553(a) factors—raises critical questions about the balance between rehabilitation, public safety, and the severity of the offense.

## **II. Consideration of Rehabilitation and Sentencing Factors**

Puzey's case illustrates significant rehabilitative efforts during his incarceration, including obtaining his GED and completing numerous educational and vocational programs. Such efforts, coupled with high ratings from prison officials, speak to his commitment to personal improvement and rehabilitation. However, the district court's decision to deny compassionate release, even after reducing his sentence from life to 480 months, reflects a stringent interpretation of sentencing factors, particularly the need for the sentence to reflect the seriousness of the offense, promote respect for the law, and provide just punishment.

## **III. The Role of Judicial Discretion and the Fourth Circuit's Review**

The Fourth Circuit's review standard for decisions on compassionate release motions is for abuse of discretion. This standard acknowledges the district court's primary role in assessing the nuances of each case. However, the appellate court's remand for procedural errors suggests a critical oversight in the original decision-making process. The Supreme Court must consider whether the district court's denial of compassionate release, after assuming the presence of extraordinary and compelling reasons, appropriately balanced the rehabilitative efforts of Puzey against the statutory factors outlined in 18 U.S.C. § 3553(a).

### **The Appellate Court (Part B):**

In addition to the previously articulated arguments, a critical procedural deficiency must be underscored: the appellate court's failure to provide a detailed explanation for its decision to deny compassionate release significantly undermines the defendant's ability to pursue a meaningful appeal to this Supreme Court. This omission strikes at

the heart of the appellate process, depriving the defendant, Michael Paul Puzey, of the necessary clarity and justification for the appellate court's decision, which is essential for formulating a substantive appeal.

### **I. The Necessity for Explanatory Rulings in Appellate Decisions**

The appellate court's decisions are pivotal in shaping the law and ensuring that justice is administered fairly and transparently. When an appellate court fails to elucidate the reasoning behind its decisions, it not only impedes the immediate parties' ability to understand the basis of the decision but also hampers the development of coherent legal precedents. In the context of compassionate release under the First Step Act, where judicial discretion is a central component, the rationale for denying such a release becomes an essential guidepost for lower courts, defendants, and their legal counsel.

### **II. Impact on the Defendant's Right to a Meaningful Appeal**

For Michael Paul Puzey, the appellate court's lack of explanation regarding its denial of his motion for compassionate release leaves him in a procedural limbo, where crafting a targeted and informed appeal to this Supreme Court becomes exceedingly difficult. This not only affects Puzey's rights but also sets a concerning precedent for other defendants seeking compassionate release. The ability to file a meaningful appeal is a fundamental aspect of the judicial process, ensuring that higher courts can review lower court decisions comprehensively and justly.

### **III. The Supreme Court's Role in Ensuring Fair Appellate Review**

This Supreme Court has a critical role in affirming the importance of transparency and thoroughness in appellate decisions, particularly in cases with profound implications for the defendant's life and liberty. By addressing the appellate court's failure to provide a reasoned explanation for its decision, this Court can reinforce the standards for appellate review, ensuring that defendants like Puzey have a clear understanding of the appellate court's reasoning and a fair opportunity to challenge adverse decisions.

### **Conclusion**

In light of the appellate court's failure to provide an adequate explanation for its decision to deny compassionate release, this Court is implored to consider the procedural and substantive injustices faced by Michael Paul Puzey. The absence of a

reasoned appellate decision not only impedes Puzey's ability to mount a meaningful appeal but also undermines the integrity of the judicial review process. This Supreme Court is thus respectfully requested to rectify this procedural deficiency by granting a thorough review of Puzey's case, thereby upholding the principles of justice, fairness, and transparency in the appellate process.

Respectfully submitted,

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Michael Paul Puzey,

No.

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OFFICE OF THE CLERK  
SUPREME COURT, U.S.

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On October 28, 2016, Puzey filed another motion for relief from judgment under Federal Rule of Civil Procedure 60(d)(3). ECF No. 1803. The District Court denied Puzey's motion for relief from judgment on November 18, 2016. ECF No. 1805.

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On October 23, 2017, Puzey filed his third Motion to Vacate, pursuant to 28 U.S.C. § 2255. ECF No. 1857. Puzey filed eight attachments with his motion. *Id.* On December 22, 2017, Puzey filed a motion for expedited disposition of his Motion Under 28 U.S.C. § 2255 to Vacate. ECF No. 1867.

In sum, all post-conviction motions were denied. The instant motion seeks to reinstate Puzey's compassionate release motion denied on February 17th, 2021.

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**I. "Balancing Justice and Compassion: A Case for Revisiting  
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**Argument (Part A.)**

The essence of this case revolves around the district court's denial of Michael Paul Puzey's motion for compassionate release under the First Step Act of 2018, which amended 18 U.S.C. § 3582(c)(1)(A). This legislative amendment empowers courts to independently consider motions for compassionate release, bypassing the traditional requirement for a motion from the Bureau of Prisons (BOP) Director. The Fourth Circuit's decision to remand the case back to the district court, citing procedural errors, underscores the complexity and significance of evaluating compassionate release motions under the amended statute.

**I. The First Step Act's Framework for Compassionate Release**

The First Step Act of 2018 represents a pivotal shift in federal sentencing law, allowing defendants to petition for compassionate release directly to the courts. This modification ensures that defendants have a viable path to request sentence reductions due to "extraordinary and compelling reasons" beyond the reach of the BOP. In the case of Michael Paul Puzey, the district court's engagement with this framework—acknowledging the defendant's extraordinary and compelling circumstances yet denying release based on 18 U.S.C. § 3553(a) factors—raises critical questions about

the balance between rehabilitation, public safety, and the severity of the offense.

## **II. Consideration of Rehabilitation and Sentencing Factors**

Puzey's case illustrates significant rehabilitative efforts during his incarceration, including obtaining his GED and completing numerous educational and vocational programs. Such efforts, coupled with high ratings from prison officials, speak to his commitment to personal improvement and rehabilitation. However, the district court's decision to deny compassionate release, even after reducing his sentence from life to 480 months, reflects a stringent interpretation of sentencing factors, particularly the need for the sentence to reflect the seriousness of the offense, promote respect for the law, and provide just punishment.

## **III. The Role of Judicial Discretion and the Fourth Circuit's Review**

The Fourth Circuit's review standard for decisions on compassionate release motions is for abuse of discretion. This standard acknowledges the district court's primary role in assessing the nuances of each case. However, the appellate court's remand for procedural errors suggests a critical oversight in the original decision-making process. The Supreme Court must consider whether the district court's denial of compassionate release, after assuming the presence of extraordinary and compelling reasons, appropriately balanced the rehabilitative efforts of Puzey against the statutory factors outlined in 18 U.S.C. § 3553(a).

### **The Appellate Court (Part B):**

In addition to the previously articulated arguments, a critical procedural deficiency must be underscored: the appellate court's failure to provide a detailed explanation for its decision to deny compassionate release significantly undermines the defendant's ability to pursue a meaningful appeal to this Supreme Court. This omission strikes at the heart of the appellate process, depriving the defendant, Michael Paul Puzey, of the necessary clarity and justification for the appellate court's decision, which is essential for formulating a substantive appeal.

### **I. The Necessity for Explanatory Rulings in Appellate Decisions**

The appellate court's decisions are pivotal in shaping the law and ensuring that justice is administered fairly and transparently. When an appellate court fails to elucidate the reasoning behind its decisions, it not only impedes the immediate parties' ability to understand the basis of the decision but also hampers the development of coherent legal precedents. In the context of compassionate release under the First Step Act,



where judicial discretion is a central component, the rationale for denying such a release becomes an essential guidepost for lower courts, defendants, and their legal counsel.

## **II. Impact on the Defendant's Right to a Meaningful Appeal**

For Michael Paul Puzey, the appellate court's lack of explanation regarding its denial of his motion for compassionate release leaves him in a procedural limbo, where crafting a targeted and informed appeal to this Supreme Court becomes exceedingly difficult. This not only affects Puzey's rights but also sets a concerning precedent for other defendants seeking compassionate release. The ability to file a meaningful appeal is a fundamental aspect of the judicial process, ensuring that higher courts can review lower court decisions comprehensively and justly.

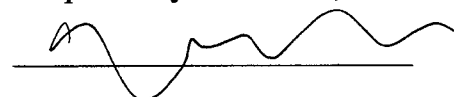
## **III. The Supreme Court's Role in Ensuring Fair Appellate Review**

This Supreme Court has a critical role in affirming the importance of transparency and thoroughness in appellate decisions, particularly in cases with profound implications for the defendant's life and liberty. By addressing the appellate court's failure to provide a reasoned explanation for its decision, this Court can reinforce the standards for appellate review, ensuring that defendants like Puzey have a clear understanding of the appellate court's reasoning and a fair opportunity to challenge adverse decisions.

## **Conclusion**

In light of the appellate court's failure to provide an adequate explanation for its decision to deny compassionate release, this Court is implored to consider the procedural and substantive injustices faced by Michael Paul Puzey. The absence of a reasoned appellate decision not only impedes Puzey's ability to mount a meaningful appeal but also undermines the integrity of the judicial review process. This Supreme Court is thus respectfully requested to rectify this procedural deficiency by granting a thorough review of Puzey's case, thereby upholding the principles of justice, fairness, and transparency in the appellate process.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael Paul Puzey', written over a horizontal line.

Michael Paul Puzey,

## **ATTACHMENTS**

- 1). Court of Appeals Opinion
- 2). District Court Opinion