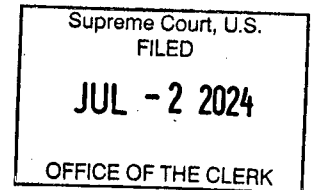


No. 24-5054 **ORIGINAL**

IN THE
SUPREME COURT OF THE UNITED STATES



Amir Aqeel — PETITIONER
(Your Name)

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States District Court, Southern District of Texas, Houston Division
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Amir Aqeel Registration Number 18085-579
(Your Name)

PO BOX 26010
(Address)

Beaumont, TX 77720
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

1. ****Sentencing Disparity:**** Whether a significant disparity in the sentencing of co-defendants violates the principle of equal justice under the law, particularly when co-defendants of similar or greater culpability receive significantly lighter sentences.
2. ****Violation of Policy 5H1.10:**** Whether the principles outlined in Policy 5H1.10 were violated due to potential bias based on the petitioner's nationality and religion, thereby resulting in a harsher sentence disproportionately greater than that of co-defendants.
3. ****Involuntary Plea Agreement:**** Whether the plea agreement was involuntary due to the imposition of mandatory guidelines enhancements, violating fundamental principles of fairness and due process.

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:

Kimberly S. Keller –
Keller Stolarczyk PLLC
234 W. Bandera Rd. No. 114-800
Boerne, Texas 78006

2- Kenneth P. Mingledorff – Attorney at Law
430 Highway 6 S, St. 215
Houston, TX 77079

3- Almadar S. Hamdani
United States Attorney's Office -Southern District of Texa
1000 Louisiana, Ste. 2300
Houston, TX 77002.

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	Plea Agreement
APPENDIX B	Objections by Amir Aqeel PSI Report
APPENDIX C	Sentencing Memorandum in support by Amir Aqeel
APPENDIX D	Pro Se Brief / Appeal by Amir Aqeel
APPENDIX E	Decision/ Judgment By 5th Circuit
APPENDIX F	Reappeal for full hearing By Amir Aqeel
APPENDIX G	Decision / Judgment on Rehearing Request
APPENDIX H	Additional Pages in support of certiorari

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

STATUTES AND RULES

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 the petition and is _____ E _____ to

[] 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 the petition and is _____ to

[] 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 April 26, 2024. APPENDIX E.

☐ 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: June 20th, 2024. APPENDIX G, and a copy of the order denying rehearing appears at Appendix G.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____.

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

STATEMENT OF THE CASE

Background: Petitioner Amir Aqeel was sentenced to 15 years in federal prison following his conviction in the Southern District of Texas. His co-defendants, Pardeep Basra, Richard Ruth, and Khalid Abbas, received significantly lesser sentences ranging from 15 to 24 months.

****Sentencing Disparity:**** The sentencing disparity is particularly stark considering the co-defendants' involvement in the same conspiracy and similar culpability levels. Despite being charged with higher offense levels, the co-defendants did not receive comparable enhancements to their sentences.

Please look at their plea agreement, PSR and sentencing.

****Violation of Policy 5H1.10:**** Petitioner Aqeel, a naturalized Pakistani-American non-white Muslim, asserts that his sentencing was influenced by his nationality and religion, in violation of Policy 5H1.10. Specific statements indicating potential bias were made in the memorandum and during the sentencing hearing, which were never adequately addressed by the court.

****Comparison 4:22-cr-00372 Houston Division**

- In **United States v. McCreless**, the defendant, with a significantly higher intended loss of \$1.2 billion, received only an 18-level enhancement instead of 32 level enhancement for the intended loss, while petitioner Aqeel was unfairly subjected to a 22-level enhancement for a much lower loss figure, after accounting for returned amounts.

"Please refer to the affidavit submitted by Mr. McCreless in support of Aqeel, which suggests a violation of section 5h1.10. The affidavit indicates that McCreless received preferential treatment due to his race, as he is white. Specifically, please see pages 17 Appendix B (affidavit), which provide evidence of discrimination." Additional Proof 36 to 56 page of Appendix B

****Involuntary Plea Agreement and Failure to Honor Downward Departure Commitment:**** The plea agreement included mandatory guidelines enhancements, depriving the petitioner of any meaningful choice. Despite expecting a 50% downward departure based on the court's earlier indications, this was not honored, and a request for an evidentiary hearing to account for the downward departure was denied. The Pre-Sentence Report (PSR) department did not address final objections raised by the petitioner.

"Please review the email from Prosecutor Mr. Manzoo, which reveals prosecutor misconduct. In the email, Mr. Manzoo initially indicates that both the defense and prosecution will argue for a 2-point enhancement page 81 Appendix B

REASONS FOR GRANTING THE PETITION

1. ****Sentencing Disparity:**** The petitioner's significantly harsher sentence compared to his co-defendants, who were charged with similar or greater offenses but received lighter sentences, raises serious questions regarding equal justice under the law.

2. ****Violation of Policy 5H1.10:**** The potential discrimination based on the petitioner's nationality and religion during sentencing is a direct violation of Policy 5H1.10, which prohibits sentencing disparities rooted in race, religion, and nationality.

3. ****Involuntary Plea Agreement:**** The mandatory imposition of guidelines enhancements within the plea agreement deprived the petitioner of a voluntary decision-making process, violating principles of fairness and due process. The government's unfulfilled commitment regarding the downward departure further underscores the involuntary nature of the plea, compounded by the court's failure to address the petitioner's concerns by not granting the request for an evidentiary hearing.

CONCLUSION

For the aforementioned reasons, the petitioner respectfully requests that the Supreme Court grant this petition for a writ of certiorari, vacate the judgment of the Fifth Circuit, and remand the case for reconsideration in light of the evident disparities and violations of constitutional principles.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

*Amir Aqeel, Inmate Number 18085-579
Beaumont Camp
P.O. Box 26010
Beaumont, TX 77720

Date: 06/17/2024

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Amir Aqeel — PETITIONER
(Your Name)

VS.

United States of America — RESPONDENT(S)

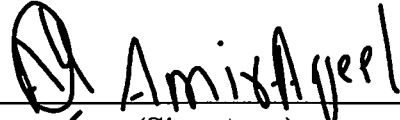
PROOF OF SERVICE

I, AmirAqeel, do swear or declare that on this date, June 17th, 2024, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 17th, 2024


(Signature)