

24-5059

ORIGINAL
COURT

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

JUN 20 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

GREGORY D CROSBY, AKA
GREGORY D CROSBY — PETITIONER
(Your Name)

United States of America^{vs.}
— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals
(10th Cir)

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

PETITION FOR WRIT OF CERTIORARI

GREGORY D CROSBY, PROSE
(Your Name) REF NO 05825015

P.O. Box 8500 A.D.X. MAX
(Address) FCC COMPLEX

Fort Collins, Colorado 81226-
(City, State, Zip Code) 8800

719/784-9484
(Phone Number) 1st 1212

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QUESTION(S) PRESENTED

Is when DO USSG 1.B.1.13 reports
relevant to a non-extraordinary
compassionate release motion or
a motion to modify, with a
relevant release plan?

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:

John J. Enab PA
P.O. Box 30
Lamde, MO 65081
816-759-8686

was original
Appeal
Attorney
CJA ON
Appeal 2010

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<u>U.S. vs Alexander</u> 2023 U.S. DIST. CT. (W.D. LOUISIANA) 192093	5, 7
<u>U.S. vs BAI</u> 2020 U.S. DIST. CT. (EDMICH 2020) 131927	5
<u>U.S. vs CONCEPTION</u> 142 S. CT 2404	6
<u>U.S. vs CROSBY</u> 416 F. APPX 776 (10th Cir)	3
<u>U.S. vs ELIAS</u> 984 F.3d 516 (6th Cir)	6
<u>U.S. vs FERGUSON</u> 536 F. Supp. 3d 139	4
<u>Freeman vs U.S.</u> 564 U.S. 572	4
<u>U.S. vs McGee</u> 992 F.3d 1044	5, 6
18 USC 3582(c)(1)(A)	2, 6
18 USC 2113(A)	3
18 USC 1038	3
USSC 1.131.13	5, 6, 7

OTHER

U.S.S. Commission
Amendment NEW Nov 9, 23
See USSC Commission

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 JUNE 19, 2024 NO. 24-3018; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished. USCA 10 TIT 14

The opinion of the United States district court appears at Appendix B to the petition and is

☒ reported at DIST CT KANSAS 09-40049-01-KHV; 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 NA; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the NA 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 JUNE 10, 79.

☒ 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: NOT FILED, 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 NOT FILED (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 NA.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: NA, 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 NA (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

When DO US 8 I, B, 13 becomes relevant to a non-compassionate release motion to modify with non-extraordinary matter doesn't exist. A General rule for district may grant a motion for sentence reduction only if the following (3) requirements are met (1) There are extraordinary and compelling reasons warranting the reduction; (2) The reduction is consistent with the applicable policy statements issued by the United States description of what constitutes "extraordinary and compelling reasons" must be viewed as a "General Policy Statement" rather than the equivalent of a statutory definition. 18 USC 3582(c)(1)(A).

STATEMENT OF THE CASE

MR. Crosby was original trial and convicted in 2009 on 18 USC 2113 (A) Attempted Bank Robbery and conveying false information 18 USC 1038 300' U.S. vs Crosby 416 F.3d 776. That Court USA 10TH Affirmed. In Dec 2023 Petitioner filed a Non-Compassionate Motion to Vexcep his sentence with a relevant release plan this was for non extraordinary reasons.

Crosby Addressed the Dist Court denial of motion he filed a timely appeal to USA 10TH and this Certiorari followed under Sup. Ct. Ct.

The Court must take Judicial notice this same court denied C. NO. 23-3034 WL 4938343 (8-3-23) but due to exhaustion (B.)

REASONS FOR GRANTING THE PETITION

1 IT IS WHEN DD USSG. 1B113
2 BECOMES TO A NON-EXTRAORDI-
3 NARY COMPASSIONATE RELEASE
4 MOTION OR A MOTION TO
5 MODIFY, WITH A RELEVANT
6 RELEASE PLAN?
7

8 Detention or ASK THIS COURT
9 TO REVIEW ITS QUESTION ON
10 THE SOLE FACTOR OF TITLE
11 LAW.

12 Standard federal courts
13 MAY NOT "modify a term of
14 imprisonment once it has
15 been imposed, "its rule
16 has a few narrow exceptions

17 See: Freeman vs U.S. States
18 601 US 522 526 (2011).

19 US vs Blackwell 81 F.3d
20 945, 947 (10th Cir 1996)

21 US vs FERGUSON 536 F
22 Supp 3d 139 (ED Mich 2021)

23 1) Extraordinary And Comp-
24 elling Reason for Release
25 General Concept!

33' Attachment

THE Court has discretion to

independently determine whether
defendant has shown "extraor-
dinary and compelling reasons"

for a significant release. See
McGee 992 F.3d 1044, 11

the context of compassionate
release. "extraordinary" means
"exceptional to a very marked
extent" U.S. vs. [redacted]

NO. 10, 2020 US DIST. CX 131927
2020 WL 4282188 (2020 MKT
JUL 27, 2020), "Compelling"

means "tending to convince"
See Webster's Third Dictionary
Unabridged 2020 (quoting)

compelling. Here, the facts
were simple in their context
Mr. Cross will not dispute
he had no medical issues

or extraordinary medical history
He sought a location for
significant rehabilitation
and possible to be as a

caregiver to a sibling whom
he had cared for in the past
and distinct from their own
medical opinion, but

did not look at all 2 factors
only making an incorrect
conclusionary law and facts

that the defendant's belief
was over-saw in the
context of USSG 1.1B1.3

and its amendments. See
U.S. vs. Alexander 2023,

US DIST. CX 192053 (W.D. La.)
(La.)

SS' Attachment Reason For Continuing writ.

1 QUOTING US VS CONFESSION
2 142 SCT 672404 (WHEREAS THIS
3 BOYAN HAS ONLY ADDRESSED THE
4 FACT OF THE FIRST STEP ACT
5 ALLOW DISTRICT COURT TO CONSIDER
6 INTERVENING CHARGES OF LAW OR
7 FACT IN EXERCISING THEIR
8 DISCRETION TO GRANT A SENT-
9 ENCE PURSUANT TO THE FIRST
10 STEP ACT. BUT IT HAS NOT
11 ADDRESSED I.B.I.3 NEW
12 ~~RELEVANT~~ AMENDMENTS OR
13 WHEN DOES IT BECOME RELEVANT
14 T TO A NON-COMPASSIONATE
15 MOTION. IT ALSO A CONFLICT
16 IN THE LITIGATION WHEN ALL THE
17 HAVE SET OUT THE
18 IN THE DISCRETION LISTED
19 IN SECTION 5582(C)(1)(A).
20 IS LACKING AND NEED NOT
21 ADDRESS THE OTHER FACTORS.
22 SEE US VS HALL 8 F.4TH
23 932, 942 (CIT 2021)
24 QUOTING MCGEE ALSO SEE
25 US VS ELIAS 984 F.3d 516
26 519 (CIT 2021), THIS
27 COURT IS ALSO IN CONFLICT
28 WITH SEVERAL CIRCUITS.
29 Finally in NOV 23 THE
30 USSC DROPPED AND MADE
31 A NEW AMENDMENTS I.B.I.3
32 CAME INTO EFFECT GENERALLY
33 RESERVING THE DISCRETION DISTRICT
34 COURT WOULD TO CONSIDER ANY
35 EXTRAORDINARY AND CONFLICTING
36 REASON FOR RELEASE UNLESS
37 NEWLY AMENDED SECTION I.B.I.3

SS ATTACHMENT TO REASON FOR GRANTING POSITION

1 Federal Court are now directed
2 to consider if the medical
3 circumstances of the defendant,
4 the AGE of the defendant,
5 family circumstances, whether
6 the defendant is or has
7 been a victim of abuse, or
8 served an unusually long
9 sentence. CONSTITUTE EXTRA
10 clinical CIRCUMSTANCES WARRANT
11 WHO A SENTENCE reduction. See
12 Section 151.13 (1)-(4), (6) in.
13 This instant motion the
14 court (LARRY) and the Appeal
15 Court. Mr. Crosby, has
16 served 116 yrs on a attempted
17 bank robbery, has a
18 significant rehabilitation
19 program in place. He has had
20 had a employment and a
21 relevant to case plan. The
22 law was codified in 1974
23 2023 U.S. vs. Alexander
24 2023 U.S. Dist. Ct. 192023 (W.D.
25 MISSISSIPPI, LAFALETTE) in
26 U.S. vs. CONCEPCION 142 S.Ct.
27 2389 (2022) This Court said
28 one concept of COMPASSION-
29 AND Release. It has NOT DIS-
30 MITS THE QUESTION, WHO IS
31 IT RELEVANT TO Non-Medical
32 or EXTRAORDINARY COMPARING
33 REASONS. Alexander Case was
34 A Bank robbery case, with
35 vicious armed robbery,
36 the former case in-
37 volved A Attempted robbery

(4)

SS! ATTACHMENT TO REASON FOR GRANTING PETITION!

1 ALSO HE HAVE HAD SIGNIFICANCE
2 CHANGE, BUT THE COURT KEEP
3 FORCED ON OLD PATTERN SAME
4 (2ND) AGO FOR A ROBBERY,
5 AND THE PETITIONER, NO LIFE
6 IT WAS NOTED, AND THIS
7 COURT MUST REVERSED OR
8 VACATED AND REMAIND
9 FOR A FINAL HEARING
10 OR RECONSIDERATION OF REDUC-
11 ION.

CONCLUSION

12
13 WHEREFORE, BASED UPON THE FACTS
14 GOING TO THE PETITIONER, SOON THE
15 THE COURT GRANT CORRECTIONAL
16 AND REVERSED OR VACATED
17 THE USCA 10 (11th) DECISION,
18 OR GRANTED CORRECTIONAL TO
19 WORK THE QUESTION PRESENT
20 OR ANY OTHER ISSUE.

21
22 Respectfully submitted
23 ON Vencroli 6-21-24 2024

24
25 31 (Copy) (Signed)

26
27 GREGORY D. KOSOV
28 AKACOSBY 05825045
29 PO BOX 8500 ALEX, MA
30 UNIT 2

31
32 H.C. Complex C
33 Florence, Colorado
34 81226 8500

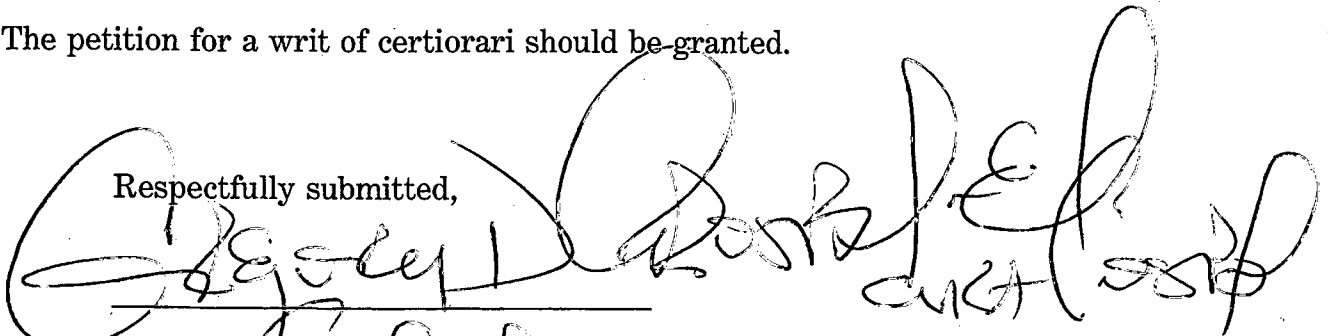
35
36 Counsel PRO SE

37
(8)

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

 Gregory D. Rothfeld
Clerk (SSP)

Date: Vendredi 6-21-24

(91)