

24-5337

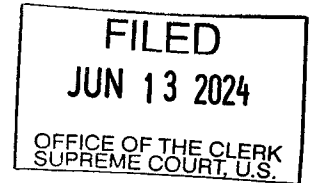
No. 24-1006

ORIGINAL

2-10-CR-00002-001

IN THE

SUPREME COURT OF THE UNITED STATES



Anderson J.C. Silva — PETITIONER  
(Your Name)

vs.

United States — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

---

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

PETITION FOR WRIT OF CERTIORARI

Anderson Josecoutinho Silva  
(Your Name)

Florence USP A2MAX, P.O. Box 8500  
(Address)

Florence, CO 81226-8500  
(City, State, Zip Code)

(719) 784-9464  
(Phone Number)

QUESTION(S) PRESENTED

Please grant me leave to Amend my motion to correct sentence and Appoint counsel to Supplement and expand upon my Rehaif claim? I do not ~~know~~ how to speak english very well I do not know about it the LAW.

## 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

*MEZA'S MOTION TO VACATE § 2255 WAS ORDERED AND GRANTED  
ON MAY 2, 2018.*

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**CASES**

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**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[ ] is unpublished.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[ ] is unpublished.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[ ] is unpublished.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 crime of Violence.

☒ 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: 11-02-2023, 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**

United States court of APPEALS for the  
third circuit.



# Statement of the case

in the United States District Court  
for the Supreme Court 1 First Street  
N.E., Washington, D.C. 20543

United States of America:

Case number: 24-1006

V.

2-10-CR-00002-001

Anderson Jose Coutinho-Silva:

## MOTION FOR A PETITION FOR WRIT OF CERTIORARI

MOVANT, Anderson Jose Coutinho-Silva  
respectfully ask the Supreme Court  
Permission to Appeal his 2255 in light of  
Johnson v. United State,

II. Grounds for relief:

a). The predicate crime for MOVANT'S § 924(C)  
conviction does not qualify as a "crime of  
violence". MOVANT'S conviction and sentence  
due Process of Law.

In light of Johnson v. United States, 135 S. Ct.  
2551 (2015), MOVANT'S conviction and  
sentence under § 924(C) violate due process  
of Law. In Johnson, the Supreme Court  
invalidated the residual clause of Armed  
Criminal Act ("ACCA") as unconstitutionally  
vague. Before Johnson, the ACCA defined a

## Statement of the case

Violent felony as follow:

(B) the term "violent felony" means any crime punishable by imprisonment for a term exceeding one year, or any act of juvenile delinquency involving the use or carrying of a firearm, knife, or destructive device that would be punishable by imprisonment for such term if committed by an adult, that.

(C) has as an element the use, attempted use, or threatened use of physical force against the person of another, or is burglary, arson, or extortion, involves use of explosives, or otherwise involves conduct that presents a serious potential risk of physical injury to another.

(D) Mr. Coutinho Silva has been dissatisfied with court procedures and response times for addressing the issues he raises. Although it may not seem so to Mr. Coutinho Silva, his decision in *Johnson v. United States*, 576 U.S. 591 (2015) hundreds of § 2255 motions similar to Mr. Coutinho Silva's were filed in the Eastern District of Pennsylvania. Chief Judge Tucker issued an Administrative Standing Order staying all of those petitions until higher courts resolved the issue of whether a completed

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## STATEMENT OF THE CASE

Hobbs Act robbery qualifies as a Predicate § 924(C) "crime of violence" see Administrative order- Johnson, "IN RE: motions seeking collateral relief on the basis of Johnson v. United States, 135 S. Ct. 2551 (2015)." U.S. District court for the Eastern District of Pennsylvania (May 16, 2016). [https://www.paed.uscourts.gov/sites/paed/files/documents/locrules/Adminord/Administrative order Johnson v. United States. Pdf](https://www.paed.uscourts.gov/sites/paed/files/documents/locrules/Adminord/Administrative%20order%20Johnson%20v.%20United%20States.Pdf). Mr. Coutinho-Silva's case was among the cases that the federal defenders notified the Presiding Judge should remain stayed pending further action from the third circuit court of appeals. See letter from [now third circuit court of appeals Judge] Arianna Freeman, managing attorney of the non-capital Habeas unit of the federal community defender office for the Eastern District of Pennsylvania, to the Honorable Gene E.K. Pratter, United State District Judge (Aug. 26, 2022) (on file with the chambers of U.S. District Judge Gene E.K. Pratter). The third circuit court of appeals has now squarely held that a completed Hobbs Act robbery does indeed qualify as a predicate crime of violence under § 924(C). United States v. Stoner, 62 F.4th 108, 114 (3d Cir 2023). Thus, Mr. Coutinho-Silva's claims are now ready to be resolved, and the stay

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## statement of the case

has been lifted.

### CONCLUSION

Said MOVANT Anderson Jose Coutinho Silva  
2255 motion similar hes. cee MEZA'S motion  
TO VACATE, Set Aside, OR correct the sentence  
under 28 U.S.C. § 2255 WAS ORDER GRANTING  
And Setting RE-Sentencing on MAY 2, 2018  
Question is WHO CAME Coutinho Silva WAS denied.  
Said MOVANT he going TO Attached the  
Granting § 2255 With this motion.

WHEREFORE, for All of the reasons stated,  
defendant Anderson Jose Coutinho Silva  
Respectfully ASKS the SUPREME COURT TO  
GRANTING hes motion for a Petition for writ  
of certiorari And ALLOW APPEAL hes 2255.

Respectfully submitted

Anderson Jose Coutinho Silva

U.S. Penitentiary MAX

P.O. Box 8500

Florence, CO 81226-8500.

DATE: 6-12-2024

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## REASONS FOR GRANTING THE PETITION

- 1) the Predicate crime for movant's § 924(C) conviction does not qualify as a "crime of violence" movant's conviction an sentence due Process of Law.
- 2) the court denied movant's 2255 without the Government's Response movant's 2255 motion, which validate movant constitution rights.

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Anderson J.C. Silva

Date: 8-01-2024