

24-5414
No. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
MAR 19 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

CLEVELAND ENMON — PETITIONER
(Your Name)

VS.

JORDAN, JULIE CARNES, and — RESPONDENT(S)
JILL PRYOR

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS ELEVENTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

CLEVELAND J. ENMON
(Your Name)

TALLADEGA SATELLITE CAMP PO BOX 2000
(Address)

TALLADEGA, AL 35160
(City, State, Zip Code)

NA

(Phone Number)

QUESTION(S) PRESENTED

- I. Whether the Eleventh Circuit erroneously refused to apply the Ruan v. United States ruling to Dr. Cleveland Enmon's case.
- II. Whether the Ruan v. United States ruling is retroactive to wrongfully convicted prescribing physicians.
- III. Whether the importation of an Objective Standard into the jury instructions is harmful error.

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

1. United States v. Cleveland J. Enmon, M.D., No. 2:13CR00004-1-LGW-BWC, U.S. District Court for the Southern District of Georgia Brunswick Division. Judgment entered July 17, 2014.
2. United States v. Cleveland J. Enmon, M.D. No. 14-13258, U.S. Court of Appeals for the Eleventh Circuit. Judgment entered April 27, 2017.
3. Petition for Writ of Certiorari, No. 17-5369 Cleveland J. Enmon vs. United States. Judgment entered October 2, 2017
4. Cleveland Enmon v. United States of America 2255 Civil Action No. 2:18-cv-7 United States District Court for the Southern District of Georgia Brunswick Division. Judgment entered June 25, 2020.

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
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Ruan v. United States, 142 S.Ct. 2370(June 2022)	4, 5
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STATUTES AND RULES

21 U.S.C. 841 (a) (1)

OTHER

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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 _____; or,
[] has been designated for publication but is not yet reported; or,
[X] is unpublished.

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

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[X] 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 27, 2017.

[] No petition for rehearing was timely filed in my case.

[X] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: February 20, 2024, and a copy of the order denying rehearing appears at Appendix C.

[] 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).

USA11 14-13258

[] 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

The statute 28 U.S.C.A 2106 is relevant to this appeal: The Supreme Court or any other court of appellate jurisdiction may affirm, modify, vacate, set aside or reverse any judgment, decree, or order of a court lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances.

STATEMENT OF THE CASE

Dr. Cleveland Enmon, M.D. was charged with 92 federal crimes arising from his nine-month participation in two Georgia pain management clinics that purportedly operated as "pill mills." Dr. Enmon appealed his convictions and 240 month sentence for conspiracy to unlawfully dispense controlled substances in violation of 21 U.S.C 841 (b) (1) (c) and 846, unlawful dispensation of controlled substances in violation of 841 (a) (1), (b) (1) (c), (b) (1) (E), and (b) (2), and money laundering in violation of 18 U.S.C 1957 (a) and (b) 1. On direct appeal to the Eleventh Circuit Court of Appeals, Dr. Enmon raised the issue of Improper Jury Instructions regarding the importation of the Objective Standard with respect to the usual course of professional practice. The appellate court disregarded such contest and affirmed the convictions. After the Supreme Court Case Ruan v. United States ruling (June 2022), Dr. Enmon filed a recall the mandate to the Eleventh Circuit Court of Appeals to vacate the errored opinion regarding the Improper Jury Instructions.

REASONS FOR GRANTING THE PETITION

I. Dr. Cleveland J. Enmon, M.D. is wrongfully convicted of violating 841 statute due to improper jury instructions.

This Court should grant the writ to address the improper jury instructions. Furthermore, this Court should GVR so the Eleventh Circuit can apply the recent case law of *Ruan v. United States*, which would result in relief from this wrongful conviction.

II. Dr. Cleveland J. Enmon, M.D. contested the improper jury instructions on direct appeal regarding the importation of the Objective Standard on the prong of the Usual Course of Practice of Medicine.

This Court has jurisdiction to correct the wrongful conviction of Dr. Cleveland J. Enmon, M.D. regarding 841 charges. In the ruling of *Ruan v. United States*, the Supreme Court opined that it has long been against importing a civil standard into a criminal case, and that such importation is illegal. The only mens rea appropriate to convict a physician is the Subjective mens rea.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Dr. Cleveland J. Enmon, M.D.

Date: August 19th 2024