

No. \_\_\_\_\_

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IN THE  
SUPREME COURT OF THE UNITED STATES  
OCTOBER TERM, 2024

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ERIC JAMAR GOODALL, *Petitioner*,

v.

UNITED STATES OF AMERICA, *Respondent*.

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On Petition for Writ of Certiorari to the  
United States Court of Appeals  
for the Ninth Circuit

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**PETITION FOR WRIT OF CERTIORARI**

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## **THE QUESTIONS PRESENTED**

1. Did the lower courts err in not requiring or at minimum presuming consideration of “extraordinary and compelling reasons” prior to denying Eric Jamar Goodall’s motion for compassionate release, and in conflict with one or more other circuit courts?
2. Did the district court err in denying Eric Jamar Goodall’s motion for compassionate release when Goodall continues to suffer from serious medical conditions, including ongoing seizure activity?

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## I.

### PRAYER FOR RELIEF

Eric Jamar Goodall petitions for a writ of certiorari to review the decision of United States Court of Appeals for the Ninth Circuit that affirmed the district court's order denying Eric Jamar Goodall's motion for compassionate release. A petition for writ of certiorari should be granted when Eric Jamar Goodall continues to suffer from one or more serious medical conditions that constitute "extraordinary and compelling reasons" for review and approval of his motion for compassionate release. For the reasons stated herein, the petition should be granted.

## II.

### OPINION BELOW

The United States Court of Appeals for the Ninth Circuit affirmed the decision of the district court that denied Eric Jamar Goodall's motion for compassionate release. *United States v. Goodall*, No. 23-3439, 2024 U.S. App. LEXIS 26916, 2024 WL 4563347 (9th Cir. October 24, 2024). *Appendix A*. The Ninth Circuit held that Eric Jamar Goodall did not adequately raise any challenge to the district court's 18 U.S.C. § 3553(a) analysis on appeal. *Appendix A*. The Ninth Circuit also held that the district court's § 3553(a) analysis provided an independent ground to deny Goodall's motion for compassionate release, and thus did not address Goodall's arguments as to the district court's extraordinary-and-compelling-reasons analysis. *Appendix A*.

### III.

#### BASIS FOR JURISDICTION

On October 24, 2024, the United States Court of Appeals for the Ninth Circuit issued a decision that affirmed the decision of the district court in denying Eric Jamar Goodall's motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i). *Appendix A*. This is the final judgment for which a writ of certiorari is sought. This Court has jurisdiction pursuant to 28 U.S.C. § 1254(1).

### IV.

#### CONSTITUTIONAL PROVISIONS, TREATIES, STATUTES, ORDINANCES AND REGULATIONS INVOLVED IN THE CASE

18 U.S.C. § 3582(c)(1)(A)(i) provides an exception to the general rule that a federal court may not modify a term of imprisonment once it has been imposed. Also known as “compassionate release,” the statute at the time Eric Jamar Goodall filed his motion read as follows:

**(c) Modification of an Imposed Term of Imprisonment.** The court may not modify a term of imprisonment once it has been imposed except that-

(1) in any case-

(A) the court, upon motion of the Director of the Bureau of Prisons, or upon motion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier, may reduce the term of imprisonment (and may impose a term of probation or supervised release with or without conditions that does not exceed the unserved portion of the original term of imprisonment), after considering the factors set forth in section 3553(a) to the extent that they are applicable, if it finds that-

(i) extraordinary and compelling reasons warrant such a reduction; or  
(ii) the defendant is at least 70 years of age, has served at least 30 years in prison, pursuant to a sentence imposed under section 3559(c), for the



offense or offenses for which the defendant is currently imprisoned, and a determination has been made by the Director of the Bureau of Prisons that the defendant is not a danger to the safety of any other person or the community, as provided under section 3142(g); and that such a reduction is consistent with applicable policy statements issued by the Sentencing Commission...

*See* 18 U.S.C. § 3582(c)(1)(A).

## V.

### STATEMENT OF THE CASE

#### A. Jurisdiction of the Courts of First Instance.

The district court had jurisdiction under 18 U.S.C. § 3582. The Ninth Circuit Court of Appeals had jurisdiction pursuant to 28 U.S.C. § 1291.

#### B. Facts Material to the Questions Presented.

In May of 2015, Eric Jamar Goodall pleaded guilty to two counts of conspiracy to commit Hobbs Act robbery under 18 U.S.C. § 1951(a) and one count of brandishing a firearm during and in relation to a crime of violence pursuant to 18 U.S.C. § 924(c)(3). In December of 2017, the federal district court sentenced Goodall to a total of one hundred and sixty-eight (168) months in the custody of the Federal Bureau of Prisons. After his custodial sentence, Goodall will have a supervised release period of three (3) years. Mr. Goodall's projected release date is January 17, 2027. (*See* Bureau of Prisons inmate search under the name "Eric Goodall," as of January of 2025, *available at*: <https://www.bop.gov/inmateloc/>).

On November 3, 2022, Eric Jamar Goodall filed a *pro se* motion for compassionate release under the First Step Act of 2018. On November 9, 2022, Goodall filed a *pro se* motion for appointment of counsel. The government filed a response on December 12, 2022. Appointed counsel for Goodall filed a reply on January 23, 2023. On October 18, 2023, appointed counsel for Goodall filed a supplement.

On November 10, 2023, the federal district court issued an order denying Eric Jamar Goodall's motion for compassionate release. Specific findings in the order were:

- a. The request for compassionate release was denied under the factors in 18 U.S.C. § 3553(a).
- b. Goodall admitted to the facts supporting his convictions, including robbery, holding store employees at gunpoint, and threatening the lives of said store employees.
- c. Goodall had prior convictions and arrest, many of which “involved violence.”
- d. Goodall faced “multiple disciplinary hearings for poor conduct” while incarcerated, including threatening a staff member and refusing a work assignment.
- e. The first two factors of 18 U.S.C. § 3553(a) do not warrant a granting of compassionate release when: (1) the underlying offense was “undeniably serious,” (2) Goodall appears to pose a danger to the public, and (3) Goodall has not shown evidence of rehabilitation.

- f. The remaining factors of 18 U.S.C. § 3553(a) weigh against a grant of compassionate release when: (1) Goodall's sentence is already at the low end of the guidelines range and the statutory minimum, (2) Goodall is still years away from completing his term of incarceration, and (3) the court lacks jurisdiction to enter an order as to home confinement.

On November 10, 2023, Eric Jamar Goodall, through counsel, filed a notice of appeal of the denial of his motion for compassionate release. Following briefing, the United States Court of Appeals for the Ninth Circuit issued a memorandum that affirmed the decision of the district court.

This petition follows.

## **VI.**

### **REASONS SUPPORTING ALLOWANCE OF THE WRIT**

This writ should be granted to allow this Court to correct the erroneous decision by the Ninth Circuit Court of Appeals that affirmed the decision of the federal district court in denying Eric Jamar Goodall's motion for compassionate release. The issues raised in this petition state a valid claim of the denial of a constitutional right when: (1) the statutory requirements were met for compassionate release, (2) Goodall's medical symptoms constituted extraordinary and compelling reasons for a reduction of the term of imprisonment, and (3) the 18 U.S.C. § 3553(a) factors weighted in favor of compassionate release. It is thus respectfully requested that Eric Jamar Goodall's petition for writ of certiorari be granted.

**A. A Writ of Certiorari Should be Granted When, in Contrast to Other Circuits, Motions for Compassionate Release by the Ninth Circuit Impermissibly Do Not Require or Presume a Review of “Extraordinary and Compelling Reasons” Prior to the Denial of Said Motion.**

The decision by the United States Court of Appeals for the Ninth Circuit is in error when the Ninth Circuit does not require or presume consideration of “extraordinary and compelling reasons” prior to denying a motion for compassionate release. In its memorandum decision, the Ninth Circuit found that its consideration under 18 U.S.C. § 3582(c)(1)(A)(i) was: (1) whether “extraordinary and compelling reasons” warranted a reduction, or (2) whether the sentencing factors in 18 U.S.C. § 3553(a) applied. *Appendix A* (citing *United States v. Keller*, 2 F.4th 1278, 1283-84 (9th Cir. 2021)). Citing *Keller*, the Ninth Circuit held that either part of the analysis qualified as an independent ground to deny a motion for compassionate release. *Id.*, at 1284; *see also Appendix A*. The Ninth Circuit concluded that, pursuant to *Keller*, the district court’s § 3553(a) analysis provided an “independent ground” to deny Goodall’s motion for compassionate release, and thus did not address arguments under the “extraordinary and compelling reasons” analysis. *Appendix A*.

The Ninth Circuit’s consideration under 18 U.S.C. § 3582(c)(1)(A)(i) contrasts with the treatment by the Seventh Circuit, where a motion for compassionate release involves a two-step inquiry: (1) did the prisoner present an extraordinary and compelling reason for release, and then (2) is release appropriate under 18 U.S.C. § 3553(a). *United States v. Kurzynowski*, 17 F.4th 756, 759 (7th Cir. 2021) (citing

*United States v. Ugbah*, 4 F.4th 595, 597 (7th Cir. 2021)). As the Seventh Circuit explained, it is best to “proceed in that order, which reflects the statutory structure.”

*Ugbah*, 4 F.4th at 597. Concluding, the Seventh Circuit held that:

[o]nly after finding an extraordinary and compelling reason for release need the judge, as part of ‘exercising the discretion conferred by the compassionate release statute, consider any applicable sending factors in § 3553(a) as part of determining what sentencing reduction to award the prisoner.’

*Id.* The Sixth and Eighth Circuits held that a district court had at least either assumed or “permissibly assumed” that “extraordinary and compelling circumstances” existed before assessing the § 3553(a) factors. *United States v. Jones*, 980 F.3d 1098, 1111 (6th Cir. 2020); *United States v. Rodd*, 966 F.3d 740, 747 (8th Cir. 2020). The Ninth Circuit’s holding that a motion for compassionate release may be denied based solely on the § 3553(a) is shared by other circuits, including the Tenth Circuit in *United States v. Hald*, 8 F.4th 932, 942 (10th Cir. 2021), and the Eleventh Circuit in *United States v. Tinker*, 14 F.4th 1234, 1238 (11th Cir. 2021).

A writ of certiorari should be granted in this case when the district court, and thereafter the Ninth Circuit, did not consider or assume the existence of “extraordinary and compelling circumstances” prior to the denial of Eric Jamar Goodall’s motion for compassionate release. The district court denied the motion for compassionate release based solely on the in 18 U.S.C. § 3553(a) factors. *Appendix B*, at page 3. The Ninth Circuit similarly affirmed the decision of the district court, finding that a district court that properly denies a motion for compassionate release

does not need to evaluate each step in the analysis. *Appendix A*, at page 2.

18 U.S.C. § 3582(c)(1)(A)(i) provided the district court with the requisite authority to reduce Eric Jamar Goodall’s sentence of imprisonment because there were “extraordinary and compelling reasons” to do so. The statutory requirements for sentence reduction should have been read in a two-step analysis as provided by the Seventh Circuit, with the consideration of “extraordinary and compelling reasons” as the first step. Only after “extraordinary and compelling reasons” were found, then the court may consider the factors “to the extent that they are applicable,” under 18 U.S.C. § 3553(a). *See* 18 U.S.C. § 3582(c)(1)(A).

The holding by the district court and Ninth Circuit that courts may omit consideration of a review of “extraordinary and compelling reasons” does not comport with the statutory requirements in 18 U.S.C. § 3582(c)(1)(A), and is in conflict with other circuit courts that either: (1) require the review of “extraordinary and compelling reasons” prior to an analysis under 18 U.S.C. § 3553(a), or (2) assume that “extraordinary and compelling circumstances” existed prior to an analysis under 18 U.S.C. § 3553(a). The statutory language in 18 U.S.C. § 3582(c)(1)(A) further does not place mandatory language on a review of 18 U.S.C. § 3553(a), stating that courts may grant compassionate release “after considering” the 18 U.S.C. § 3553(a) to the extent that the factors in 18 U.S.C. § 3553(a) “are applicable.”

The omission of consideration of “extraordinary and compelling reasons” by the district court and the affirmation by the Ninth Circuit of the same is in conflict with

other circuit courts as well as the statutory language as to the consideration of the 18 U.S.C. § 3553(a) factors. The sole consideration of the 18 U.S.C. § 3553(a) rendered the matter akin to a resentencing without a consideration of interim circumstances. *See Pepper v. United States*, 562 U.S. 476, 492 (2011). Eric Jamar Goodall thus respectfully requests that a writ of certiorari issue in this matter.

**B. A Writ of Certiorari Should be Granted When the 18 U.S.C. § 3553(a) Factors Weighed in Favor of Eric Jamar Goodall’s Compassionate Release.**

When extraordinary and compelling reasons are established, the district court must consider the relevant § 3553(a) factors to determine whether sentence reduction is warranted. 18 U.S.C. § 3582(c)(1)(A)(i). In denying Eric Jamar Goodall’s motion for compassionate release, the district court rested its decision under the relevant standard of review “on a clearly erroneous finding of material fact.” *United States v. Dunn*, 728 F.3d 1151, 1155 (9th Cir. 2013).

Eric Jamar Goodall’s history as well as his underlying medical conditions should have qualified him for compassionate release under the 18 U.S.C. § 3553(a) factors. Under the 18 U.S.C. § 3553(a) factors, Goodall does not pose a danger to the community when Goodall’s prior offenses were from well over a decade ago. This is analogous to a review in a pretrial release context, where the detention of a defendant cannot be on a presumption of danger to the community alone without proof of future dangerousness. *United States v. Dominguez*, 783 F.2d 702 (7th Cir. 1986).

Under 18 U.S.C. § 3553(a)(1) and (2), including the nature and circumstances of

the offense, the need for the sentence imposed to reflect the seriousness of the offense and providing just punishment, Eric Jamar Goodall's conviction ought to be reviewed in a compassionate release context under *United States v. Duarte*, 101 F. 4th 657 (9th Cir. 2024) reh'g en banc granted, opinion vacated, No. 22-50048, 2024 U.S. App. LEXIS 17601, 2024 WL 3443151 (9th Cir. July 17, 2024). In *Duarte*, the United States Court of Appeals for the Ninth Circuit vacated a conviction for firearm possession pursuant to 18 U.S.C. § 922(g)(1) because the conviction violated the defendant's Second Amendment rights and was unconstitutional to the defendant, a "non-violent offender who had served his time in prison and reentered society because he was an American citizen, and thus one of the people whom the Second Amendment protected." *Id.* Goodall's conviction should also be reviewed in the current compassionate release context post-*Duarte*, considering it involved similar underlying conduct.

Another 18 U.S.C. § 3553(a) factor that does not appear to have been included in the district court's decision was providing the defendant with needed medical care in the most effective manner pursuant to 18 U.S.C. § 3553(a)(2)(D). Eric Jamar Goodall submitted medical records detailing his underlying medical condition, including ongoing seizure activity. A factor under § 3553(a) that was not present at the time of sentencing was the spread of COVID-19 and the grave danger it posed to inmates and staff of suffering serious illness or death from its complications. The sentencing purpose of just punishment does not warrant a sentence that includes



exposure to a life-threatening illness. *See United States v. Zukerman*, No. 16 Cr. 194 (AT), 2020 U.S. Dist. LEXIS 59588, at \*\* 15-16 (S.D.N.Y. Apr. 3, 2020).

Under all the circumstances in this case, the term of imprisonment that Eric Jamar Goodall already served is sufficient to satisfy the purposes of sentencing. The totality of the circumstances demonstrated that reducing Goodall's sentence was "sufficient, but not greater than necessary, to comply with" all the purposes of sentencing under Section 3553(a). Eric Jamar Goodall respectfully requests that the petition for writ of certiorari be granted on this basis.

**C. A Writ of Certiorari Should be Granted When Eric Jamar Goodall's Medical Symptoms Constituted Extraordinary and Compelling Reasons for a Reduction of the Term of Imprisonment.**

a. Goodall's Underlying Medical Conditions Should Have Qualified for Compassionate Release Prior to the 2023 Amendments to the Compassionate Release Guidelines.

Eric Jamar Goodall's underlying medical conditions should have qualified him for compassionate release under the guidelines in place at the time Goodall filed his compassionate release motion. The compassionate release statute did not expressly define or limit what constitutes an "extraordinary and compelling" reason for a sentence reduction. Black's Law Dictionary defines "extraordinary" as "[b]eyond what is usual, customary, regular, or common." Black's Law Dictionary (11th ed. 2019). Its definition of "compelling need," is one "so great that irreparable harm or injustice would result if [the relief] is not [granted]." *Id.*

The policy statement for United States Sentencing Guideline Section 1B1.13

provided examples of “extraordinary and compelling reasons” for a sentence reduction in the application notes. The examples fall into four categories and are based on the defendant’s (1) terminal illness, (2) debilitating physical or mental health condition, (3) advanced age and deteriorating health in combination with the amount of time served, or (4) compelling family circumstances. U.S.S.G. § 1B1.13 comment. n.1(A)-(C). The commentary also includes a catch-all provision for “extraordinary and compelling reasons other than, or in combination with, the reasons described in subdivisions (A) through (C)” as determined by the Director of the Bureau of Prisons. U.S.S.G. § 1B1.13, comment. n.1(D).

Importantly, this policy statement was last amended in November 2018, before the First Step Act was passed by Congress, and this catch all provision still requires that the motion be filed by the BOP. For that reason, “a growing number of district courts have concluded the Commission lacks” a policy statement applicable to the post-First Step Act statute. *United States v. Mondaca*, No. 89-CR-0655 DMS, 2020 WL 1029024 (S.D. Cal. Mar. 3, 2020) (internal quotation marks omitted); *see also United States v. Brown*, 411 F. Supp. 3d 446, 449-50 (S.D. Iowa 2019) (citing cases).

Even where courts have not deemed Section 1B1.13 entirely inapplicable due to the lack of amendment, they have held that judges have authority based on the catch-all provision in Application Note 1(D) to find extraordinary and compelling reasons other than those listed. *See, e.g., United States v. Fox*, No. 2:14-cr-03-DBH, 2019 WL 3046086, \*3 (D. Me. July 11, 2019) (stating that the existing policy statement provides

“helpful guidance,” but “is not ultimately conclusive given the statutory change”). Application Note 1(D)’s prefatory language, which requires a determination by the BOP Director, is, in substance, part and parcel of the eliminated requirement that relief must be sought by the BOP Director in the first instance. *United States v. Perez*, No. 88-10094-1-JTM, 2020 WL 1180719, at \*2 (D. Kan. Mar. 11, 2020).

The government conceded this point in *United States v. Young*, agreeing that “the dependence on the BOP to determine the existence of an extraordinary and compelling reason, like the requirement for a motion by the BOP Director, is a relic of the prior procedure that is inconsistent with the amendments implemented by the First Step Act.” *United States v. Young*, No. 2:00-CR-00002-1, 2020 WL 1047815, at \*6 (M.D. Tenn. Mar. 4, 2020). The court in *Young* followed a majority of district courts in recognizing that § 1B1.13’s defined categories are not exclusive: “In short, federal judges are no longer constrained by the BOP Director’s determination of what constitutes extraordinary and compelling reasons for a sentence reduction.” *Id.*; see also *United States v. Maumau*, No. 2:08-cr-00758-TC-11, 2020 WL 806121, at \*2-3 (D. Utah Feb. 18, 2020) (“[A] majority of district courts to consider the question have embraced Mr. Maumau’s position” that limiting the catch-all provision to circumstances identified by the BOP is inconsistent with the law) (citing ten other cases); *Brown*, 411 F. Supp. 3d at 451 (“[I]f the [First Step Act] is to increase the use of compassionate release, the most natural reading of the amended § 3582(c) and [28 U.S.C.] § 994(t) is that the district court assumes the same discretion as the BOP

Director when it considers a compassionate release motion properly before it. . . Thus, the Director’s prior interpretation of ‘extraordinary and compelling’ reasons is informative, but not dispositive.” (internal quotation marks and citations omitted)); *United States v. Beck*, No. 1:13-CR-186-6, 2019 WL 2716505, at \*6 (M.D.N.C. June 28, 2019) (“While the old policy statement provides helpful guidance, it does not constrain the Court’s independent assessment of whether ‘extraordinary and compelling reasons’ warrant a sentence reduction under § 3582(c)(1)(A)(i).”).

The overriding factor that was not present at the time of sentencing was the spread of COVID-19 and the grave danger it posed to inmates and staff of suffering serious illness or death from its complications. The sentencing purpose of just punishment does not warrant a sentence that includes exposure to a life-threatening illness. *See United States v. Zukerman*, No. 16 Cr. 194 (AT), 2020 U.S. Dist. Lexis 59588, at \*\* 15-16 (S.D.N.Y. Apr. 3, 2020) (Although “the severity of Zukerman’s conduct remains unchanged, . . . [w]hen the Court sentenced Zukerman, the Court did not intend for that sentence to ‘include incurring a great and unforeseen risk of severe illness or death’ brought on by a global pandemic.”).

The global pandemic combined with lack of testing to prevent data on the prevalence of COVID-19 in the facility with other relevant circumstances, presented an extraordinary and compelling basis for a sentence reduction, regardless of whether it fell within one of the existing categories in the commentary for § 1B1.13. Conditions of imprisonment create the ideal environment for the transmission of contagious

diseases. Incarcerated and detained persons live, work, eat, study, and recreate within congregate environments, heightening the potential for COVID-19 to spread once introduced. As a Federal Bureau of Prisons inmate, it was and is impossible for Eric Jamar Goodall to follow the CDC's recommendations to protect himself from exposure to this highly-transmissible disease due to the close living quarters and the fact that the their bunks are mere feet apart. Courts continue to find pretrial release necessary "for the compelling reason that it will protect Defendant, the prison population, and the wider community during the COVID-19 pandemic" – "[e]ven if Defendant did not have a heightened susceptibility to COVID-19." *United States v. Kennedy*, No. 18-20315, 2020 WL 1493481, at \*4 (E.D. Mich. Mar. 27, 2020), reconsideration denied, No. 18-20315, 2020 WL 1547878 (E.D. Mich. Apr. 1, 2020); *see also United States v. Garcha*, No. 19-CR-00663-EJD-1 VKD, 2020 WL 1593942, at \*3-4 (N.D. Cal. Apr. 1, 2020) (granting bail). Taking into consideration Eric Jamar Goodall's underlying medical conditions, the sentence should have been reduced under the prior version of the compassionate release statute and guidelines.

- b. Eric Jamar Goodall's Underlying Medical Conditions Should Have Qualified for Compassionate Release Due to the 2023 Amendments to the Compassionate Release Guidelines.

Eric Jamar Goodall should have qualified for compassionate release under the 2023 amendments to the compassionate release guidelines. In an effort to clarify what constitutes "extraordinary and compelling reasons," the United States Sentencing Commission in January of 2023 published proposed amendments to § 1B1.13. The

proposed amendments included added categories for “extraordinary and compelling reasons,” specifically:

- (C) The defendant is suffering from a medical condition that requires long-term or specialized medical care, without which the defendant is at risk of serious deterioration in health or death, that is not being provided in a timely or adequate manner,
- (D) the defendant presents the following circumstances –
  - (i) the defendant is housed at a correctional facility affected or at risk of being affected by (I) an ongoing outbreak of infectious disease, or (II) an ongoing public health emergency declared by the appropriate federal, state, or local authority;
  - (ii) the defendant is at increased risk of suffering severe medical complications or death as a result of exposure to the ongoing outbreak of infectious disease or the ongoing public health emergency described in clause (i); and
  - (iii) such risk cannot be mitigated in a timely or adequate manner.

- ...
  - (5) CHANGES IN LAW. – The defendant is serving a sentence that is inequitable in light of changes in the law.
  - (6) OTHER CIRCUMSTANCES – [3 options provided for other circumstances]

United States Sentencing Commission, *Proposed Amendments to the Sentencing Guidelines (Preliminary)* (January 12, 2023), available at:  
[https://www.ussc.gov/sites/default/files/pdf/amendment-process/reader-friendly-amendments/20230112\\_prelim\\_RF.pdf](https://www.ussc.gov/sites/default/files/pdf/amendment-process/reader-friendly-amendments/20230112_prelim_RF.pdf)

Under the current and then-proposed changes to the Guidelines, Eric Jamar Goodall should have qualified for compassionate release. Goodall suffers from mental health conditions, including Borderline Personality Disorder, and Major Depressive Disorder (Moderate). People with mental health conditions, including depression and

mood disorders, “may be more likely to develop serious COVID-19 symptoms.” Mayo Clinic Staff, *COVID-19: Who’s at higher risk of serious symptoms?* (dated April 30, 2024) available at: <https://www.mayoclinic.org/diseases-conditions/coronavirus/in-depth/coronavirus-who-is-at-risk/art-20483301>.

Under the 2023 proposed amendments to § 1B1.13, Eric Jamar Goodall’s underlying mental health conditions should have qualified him for compassionate release when said conditions have been found to place him at a higher risk of developing serious COVID-19 symptoms. This risk cannot be mitigated in a timely or adequate manner. A federal prison’s structure and physical layout increases the risk for spread of the virus and prevent those who are at risk from being able to engage in social distancing and self-quarantine precautions as recommended by the CDC. Conditions such as shared toilets and sinks, shared shower facilities, restrictions on movement, small shared spaces, and bunks three feet apart create an unreasonable risk of harm to an inmate such as Goodall.

In October of 2023, Eric Jamar Goodall submitted a supplement that included a twenty-eight (28) page exhibit detailing Goodall’s continued seizure activity, with a seizure in June of 2023 that caused Goodall to fall and lose consciousness. Goodall was found face down with a laceration on his forehead due to falling from the upper bunk bed. Goodall experienced recurrent seizures the same day, requiring him to be rolled onto his side when he started to vomit so that he did not aspirate. Goodall had another seizure in July of 2023, without additional care provided.

As of the time of Eric Jamar Goodall's supplement in October of 2023, the proposed amendments to the "compassionate release" guidelines not only addressed some of the circumstances arising from the COVID-19 pandemic, but also recognized serious medical conditions requiring long-term care that is not being provided while in custody. United States Sentencing Commission, *2023 Amendments in Brief*, at: <https://www.ussc.gov/policymaking/amendments/2023-compassionate-release-amendment>. The specific language includes a circumstance by which:

- (C) The defendant is suffering from a medical condition that requires long-term or specialized medical care, without which the defendant is at risk of serious deterioration in health or death, that is not being provided in a timely or adequate manner.

In the district court's written order denying Goodall's motion for compassionate release, the district court did not reference or state that it had considered Goodall's October 2023 filed supplement. The omission by the district court in the consideration of the supplement along with medical records thereto results in a "clearly erroneous finding of material fact" pursuant to *United States v. Dunn*, 728 F.3d at 1155.

Had the district court considered the supplement, the district court should have reduced Eric Jamar Goodall's sentence under the compassionate release statute, 18 U.S.C. § 3582(c)(1)(A)(i), due to Goodall's medical condition, under the "other circumstances" portion of the proposed amendments. Goodall's recurrent seizure activity should have qualified as a "medical condition that requires long-term or



specialized medical care, without which the defendant is at risk of serious deterioration in health or death, that is not being provided in a timely or adequate manner” under the proposed amendments to § 1B1.13.

Under all the circumstances presented, the district court should have concluded that the term of imprisonment that Eric Jamar Goodall already served was sufficient to satisfy the purposes of sentencing. The circumstances demonstrated that reducing Goodall’s sentence comported with 18 U.S.C. § 3582(c)(1)(A)(i). It is thus respectfully requested that Goodall’s petition for a writ of certiorari be granted.

**D. A Writ of Certiorari Should be Granted When the Underlying Offense Constituted Extraordinary and Compelling Reasons for a Reduction of the Term of Imprisonment.**

Eric Jamar Goodall’s motion for compassionate release should have been granted when Hobbs Act conspiracy is not a crime of violence under the “elements clause” of 18 U.S.C. § 924(c). The predicate crime of violence for Mr. Goodall, Hobbs Act conspiracy, does not have as an element the use, attempted use, or threatened use of force by a conspirator. *See* 18 U.S.C. § 1951. The Hobbs Act under 18 U.S.C. § 1951 is a divisible statute, criminalizing both robbery and extortion. *Id.* Eric Jamar Goodall should have been granted compassionate release when a guilty plea does not bar a federal criminal defendant from challenging the constitutionality of conviction at any later point. *Class v. United States*, 583 U.S. 174 (2018). In the panel opinion cited Seventh Circuit case of *Oliver v. United States*, 951 F.3d 841, 845-848 (7th Cir. 2020), the following issues were left undecided: (1) a guilty plea, standing alone, is not construed as waiving

“jurisdictional” claims; (2) an enforcement of the appellate waiver would cause a “miscarriage of justice;” or (3) the appellate waiver should not be enforced when the conviction rests on a “constitutionally impermissible factor.”

Due to subject-matter jurisdiction involving the power of a court to hear a case, then jurisdiction “can never be forfeited or waived.” *United States v. Cotton*, 535 U.S. 625, 630 (2002). Consequently, defects in subject-matter jurisdiction “require correction regardless of whether the error was raised in district court.” *Id.* An appellate waiver in Eric Jamar Goodall’s plea agreement does not waive a jurisdictional defect, or results in a “miscarriage of justice” under equitable principles. *See, e.g., McCoy v. United States*, 266 F.3d 1245, 1249 (11th Cir. 2001). Waivers can be invalid or inapplicable under a variety of theories similar to Goodall’s challenge on appeal. *See, e.g., United States v. McBride*, 826 F.3d 293, 295 (6th Cir. 2016); *see also United States v. Caruthers*, 458 F.3d 459, 472 (6th Cir. 2006). The 2023 proposed amendments to § 1B1.13 contemplated the ability of inmates to file motions for changes in the law, or even a catchall “other” reason:

(5) CHANGES IN LAW. – The defendant is serving a sentence that is inequitable in light of changes in the law.

(6) OTHER CIRCUMSTANCES – [3 options provided for other circumstances].

Under all the circumstances in this case, the Court should conclude that the term of imprisonment that Goodall has already served is sufficient to satisfy the purposes of sentencing. Eric Jamar Goodall respectfully requests that a writ be granted when the

totality of the circumstances demonstrates that reducing the sentence complies with the statutory language in 18 U.S.C. § 3582(c)(1)(A)(i).

## VII.

### CONCLUSION

For the foregoing reasons, Eric Jamar Goodall respectfully asks this Court to grant this petition for writ of certiorari.

Dated: January 20, 2025.

Respectfully submitted,

s/ Angela H. Dows  
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