

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

24-6603

12-30-2024

IN THE  
SUPREME COURT OF THE UNITED STATES

ORIGINAL

FILED

JAN 01 2025

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

Michael Lee Gordon — PETITIONER  
(Your Name)

VS.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The United States Court of Appeals, for the Sixth Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Michael Lee Gordon #6789635

(Your Name)

Iowa State Penitentiary  
2111 330th Avenue  
PO Box 316

(Address)

Fort Madison, Iowa 52627

(City, State, Zip Code)

NA

(Phone Number)

## Question(s) Presented

I.) Whether or not the "reduced" penalties pursuant to 18 USC 924 (c), commonly referred to as "stacking" as was amended and "clarified" by Congress in the "First-Step Act of 2018"; should be applied "retroactively" to cases prior to the amendment in 2018, or if the sentences prior to this enactment are cruel and unusual?

II.) Whether or not the "reduced" penalties pursuant to 18 USC 924 (c), commonly referred to as "stacking" as was amended and "clarified" by Congress in the First-Step Act of 2018; should be considered "extraordinary and compelling" reason to justify release - pursuant to 18 USC 3582 (c) (1) (A) compassionate release motion?

iii

## **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**

**TABLE OF CONTENTS**

OPINIONS BELOW .....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	3
STATEMENT OF THE CASE .....	4
REASONS FOR GRANTING THE WRIT .....	5
CONCLUSION.....	6

**INDEX TO APPENDICES**

APPENDIX A Order dated March 4, 2024, by the Sixth Circuit Court of Appeals, (ie five (5) pages in length), (ie denying Petitioners appeal of the lower court decision).

APPENDIX B Order dated October 4, 2024, by the Sixth Circuit Court of Appeals (ie 1 (1) pages in length), (ie denying Petitioners Petition for Rehearing and Rehearing En Banc).

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

III  
**TABLE OF AUTHORITIES CITED**

**CASES**

**PAGE NUMBER**

**STATUTES AND RULES**

18 U.S.C. 924(c)	—	11,3,4,5,
18 U.S.C. 3582 (c) (1) (A)	—	11,3,
First-Step Act of 2018	—	11,3,5,
18 USC 1951	—	4

**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 A 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 B 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.

2.  
**JURISDICTION**

[ ] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was March 4, 2024. (See Attached hereto.)

[ ] 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: October 4, 2024, and a copy of the order denying rehearing appears at Appendix C. (See Attached hereto.)

[ ] 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).

3.

**CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

18 USC 924 (c) firearms violation

18 USC 3582 (c) (1) (A) compassionate Release

First-Step Act of 2018

18 USC 1951 Hobbs Act violation

3.

## STATEMENT OF THE CASE

In the years 1997 - 1998 petitioner was indicted for seven (7) Hobbs Act violations pursuant to 18 USC 1951 and seven (7) firearms offenses pursuant to 18 USC 924 (c) and subsequently sentenced to 1,651<sup>Months</sup> (ie 137.7 years) of actual incarceration primarily because of the mandatory 20-year consecutive sentence for any and all second and/or subsequent 18 USC 924 (c) firearms offenses.

In the year 2018, Congress "clarified" Section 18 USC 924 (c) limiting criminal exposure to the enhanced mandatory 20-year consecutive sentences (ie commonly referred to as "stacking"); thereby reserving that penalty until a defendant violated that 18 USC 924 (c) statute, was convicted, went to prison and was 'released'; - only to again violate 18 USC 924 (c)'s <sup>statue</sup> and then be held liable and subjected to the enhanced mandatory consecutive sentences.

This "clarification" in the First-Step Act of 2018 by Congress would have reduced petitioner's sentence for more than 100-actual years of incarceration had petitioner been sentenced today instead of in 1999, resulting in a great desparate in sentencing.

## REASONS FOR GRANTING THE PETITION

\* 1.) Congress in 2018 enacted a bill called "The first-step Act of 2018" and as a part of that bill "clarified" a criminal statute (ie 18 U.S.C. 924 (c)) significantly reducing criminal sentences incurred as a result of violating this statute; with some violators (ie as myself) receiving what amounts to a life sentence in prison because of these enhanced penalties for offender's second or subsequent (ie also referred to as "stacking") conviction's. As with Petitioner in this case who received a 1,651 - Month (ie 137.7 years) sentence of actual incarceration wherein under the "clarification" enacted in "the first-step Act of 2018" Petitioner (if sentenced today) would receive a 35-40 year prison sentence. However, congress did not make this enacted bill "retroactive" and Petitioner praysfully begs this Honorable Court to Grant Petitioner a writ of certiorari and decide if this "clarification" in law should be applied retroactive or if the sentences prior to this enactment are cruel and unusual?

6.

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,  
Michael Lee Gordon #6789635  
Iowa State Penitentiary  
P.O. Box 316  
Fort Madison, Iowa 52627

Date: 12-30-2024

6.