

24-6743

ORIGINAL

No.

Supreme Court, U.S.  
FILED

MAR - 7 2025

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

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ANDRE ROACH — PETITIONER  
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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US District Court for the Fourth Circuit

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

PETITION FOR WRIT OF CERTIORARI

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Andre Roach, #300-117

(Your Name)

Western Correctional Institution  
13800 McMullen Highway, SW

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(Address)

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Cumberland, MD21502-2150

(City, State, Zip Code)

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None

(Phone Number)

**QUESTION(S) PRESENTED**

- I. Weather the Court of Appeals abused its discretion by failing to consider this Court's opinion in *Hughes v. United States v. United States*.
- II. Weather the Court of Appeals abused its discretion by removing Petitioner from Federal custody to State custody, contrary to Judgment and Sentence that sentence would be done in Federal custody, after requesting relief in this case.

**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**

United States Court of Appeals for the Fourth Circuit  
No. 21 - 7579

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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,  
 is unpublished.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 is unpublished.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.

1.

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

The date on which the United States Court of Appeals decided my case was 12/10/2024.

[x] 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: \_\_\_\_\_, 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**

Petitioner in this case has been denied his Constitutional right to Due Process of law as defined by the 14th Amendment.

Petitioner raised an intervening change of Circuit law that the Appellate Court failed to address.

## STATEMENT OF THE CASE

I. In this case Petitioner filed a motion for reduction of sentence under the First Step Act pursuant to 18 U.S.C. Section 3582.

Petitioner had been sentenced under a Rule 11(c)(1)(C) plea agreement to 360 months to be served in Federal Custody. Petitioner moved for relief under Sec 3582(c) relying on Amendment 782 of the the Sentencing Guidelines. The Motion for reduction was denied and as authority invoke Freeman v. United States, 564 U.S. 522 (2011). Subsequent to Freeman, this Court addressed the issue of "Type C Plea Agreements" in Hughes v. United States, \_\_\_ US \_\_\_, 138 S.Ct., at 1346-1347. This Court stated in Hughes, "Two cases decided after Freeman now reinforce this proposition. See Molina-Martinez v. United States, 578 U.S. \_\_\_\_ (2016) and Peugh 569 U.S. at 541-544 (2013). In essence Hughes overturned Freeman.

Even though Petitioner's 3582(c) motion had not been ruled upon and Hughes overturned Freeman the district court denied Petitioner's Motion to Supplement (See Appendix D).

Thus, Petitioner was denied relief based upon the wrong law of this Court.

II. On March 4, 2019 Petitioner filed a Motion to Reduce Sentence pursuant to the First Step Act. On August 25, 2020 Petitioner filed a Motion for Compasionate Release.(See Docs. 1334 and 1460.) On January 19, 2021 the District Court denied the Motion for Compasionate Release (Doc. 1487) but not the motion under the First Step Act (Doc. 1334). On July 20, 2021 Petitioner filed his Motion to Supplement his Motion for Reduction of Sentence. (See Appendix D) (Doc. 1520). Within this motion Petitioner raised the issue that subsequent to his First Step Act motion(Doc. 1334) that he was returned to the State of Maryland to complete a 50 year sentence, even though his Judgment and Commitment order cleary said,"The Defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 360 months, to run concurrently with any Maryland state sentence being served..The defendant's place of confinement for service shall be within the Bureau of Prisons. (emphasis added).

Was this in punishment for Petitioner filing for relief under the First Step Act. As with the Interstate Agreement on Detainers, Anti Shuffling provision the should have kept Petitioner the government was done with him. The results would be the same had the motion been granted, he would be in Maryland doing his 50 year sentence. The only difference is that Petitioner would not be precluded from certain programs in Maryland prisons due to his detainer for the Government.

Petitioner should be granted time served on his Federal sentence.

**REASONS FOR GRANTING THE PETITION**

In the interest of justice and fairness Petitioner should granted time served on his Federal sentence to complete his Maryland 50 years.

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Andre Roach

Date: 2-7-25