

**24-6830**

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Supreme Court, U.S.  
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**MAR 05 2025**

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**Supreme Court of the United States**

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**KHALID ALBOUSHARI, Petitioner,**

**v.**

**UNITED STATES OF AMERICA, Respondent.**

**On Petition for a Writ of Certiorari to the United States Court of Appeals for the Second  
Circuit**

**PETITION FOR WRIT OF CERTIORARI**

**Petitioner, pro se**

**KHALID ALBOUSHARI 91490-054**

**FEDERAL CORRECTIONAL INSTITUTION**

**PO BOX 2000**

**JOINT BASE MDL, NJ 08640**

## **QUESTIONS PRESENTED**

1. Whether the Second Circuit Court of Appeals erred in affirming the District Court's sentence of 92 months' imprisonment without properly considering mitigating factors and the procedural unreasonableness of the sentence.
2. Whether the District Court violated Petitioner's Due Process rights by improperly weighing aggravating circumstances not contemplated by the applicable sentencing guidelines.
3. Whether Petitioner's counsel was ineffective in failing to adequately challenge the procedural and substantive unreasonableness of the sentence.

## **PARTIES TO THE PROCEEDING**

Petitioner, Khalid Alboushari, was the defendant-appellant in the United States Court of Appeals for the Second Circuit.

Respondent, the United States of America, was the plaintiff-appellee below.

## **OPINIONS BELOW**

The opinion of the United States Court of Appeals for the Second Circuit affirming Petitioner's conviction and sentence is unpublished and appears in the Summary Order dated December 16, 2024. The judgment of the United States District Court for the Southern District of New York was entered on October 10, 2023.

## **JURISDICTION**

The Second Circuit entered judgment on December 16, 2024. This Court has jurisdiction under 28 U.S.C. § 1254(1).

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

1. U.S. Const. amend. V (Due Process Clause)
2. 18 U.S.C. § 3553(a) (Sentencing factors)
3. 18 U.S.C. § 1204 (International Parental Kidnapping)
4. 18 U.S.C. § 1542 (Passport Fraud)
5. 18 U.S.C. § 1028A (Aggravated Identity Theft)

## **STATEMENT OF THE CASE**

Petitioner, Khalid Alboushari, was convicted in the United States District Court for the Southern District of New York of six counts of international parental kidnapping (18 U.S.C. § 1204), one count of passport fraud (18 U.S.C. § 1542), and one count of aggravated identity theft (18 U.S.C. § 1028A). He was sentenced to a total of 92 months' imprisonment. Petitioner appealed his sentence, arguing that the District Court improperly considered aggravating factors beyond those contemplated by the sentencing guidelines, failed to consider mitigating factors adequately, and imposed a substantively unreasonable sentence. The Second Circuit affirmed the sentence on December 16, 2024.

This petition for certiorari follows, raising significant constitutional and statutory issues.

## **REASONS FOR GRANTING THE WRIT**

### **1. The Sentence Imposed Violates Due Process and Established Sentencing Precedents**

- a. The District Court improperly weighed aggravating circumstances that were not accounted for in the guidelines.
- b. The court did not fully consider mitigating factors, including Petitioner's lack of prior criminal history and the context surrounding his actions.

### **2. The Second Circuit Failed to Correct a Procedural and Substantive Sentencing Error**

- a. The sentence imposed was far above the guidelines without sufficient justification.
- b. The District Court's consideration of irrelevant factors contravenes Supreme Court precedent in *Gall v. United States*, 552 U.S. 38 (2007), and *United States v. Booker*, 543 U.S. 220 (2005).

### **3. Ineffective Assistance of Counsel at Sentencing and on Appeal**

- a. Petitioner's counsel failed to adequately challenge the procedural errors in sentencing.
- b. The failure to file a reply brief in response to the government's opposition undermined Petitioner's ability to present a full defense on appeal.



### CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant this petition for writ of certiorari and review the decision of the United States Court of Appeals for the Second Circuit.

Respectfully submitted,

Khalid Alboushary

**Khalid Alboushary**

Petitioner, pro se

Date: 3/4/25