In The

Supreme Court Of The United States

ANTHONY WAYNE WIGGINS,

Petitioner,

V.

UNITED STATES OF AMERICA,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

ANTHONY WAYNE WIGGINS
PRO-SE, ID-NO: 56530-056
USP HAZELTON, P.O.BOX 2000
BRUCETON MILLS, WV. 26525

DATED: 31 March, 2018 Pro-Se Petitioner

QUESTIONS PRESENTED FOR REVIEW

I. Whether The Court Should Grant Certiorari in Order to Determine Whether it is necessary to consider a defendant's Prior Record Level in determining whether a Conviction was for an Offense "Punishable" by a term exceeding One-year for purposes of 21 U.S.C.§851 Enhancement.Inlight of Carachuri-Rosendo v.Holder, 560 U.S.563(2010); Simmons,649 f.3d 237(4th cir.2011)(en banc)?.

II. Whether The Court Should Grant Certiorari to Determine Whether a defendant (Customer) who purchased drugs from a Seller without an agreement to redistribute should be transformed into a Co-Conspirator?.

III. Whether The Court Should grant Certiorari to Determine whether a conviction for violation of Interstate Commerce should stand, where Government only evidence was that Guns were not made in North Carolina when in fact they are?.

TABLE OF CONTENTS

TABLE OF AUTHORITIES

PAGES(S)

CASES:

STATUES:

CONSTITUTIONAL PROVISIONS:

OPINIONS AND ORDERS BELOW

The orders appealed from is located at the Docket of the United State Court of Appeals for the Fourth Circuit case No. 17-6614.

JURISDICTIONAL STATEMENT

This petition for Writ of certiorari is from the order and judgment entered on January 11,2018, in the above referenced case by the Fourth Circuit Court of Appeals. Accordingly, the court has jurisdiction over this petition for writ of certiorari matter pursuant to 28 U.S.C.§1254 and 28 U.S.C.§2101. The District Court had original jurisdiction over the subject matter of this case pursuant to 18 U.S.C.§3231. The Court of Appeals had jurisdiction pursuant to 28 U.S.C.§1291 and 18 U.S.C.§3742.

JURISDICTION

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

The date on which the United States Court of Appeals decided my case was OCTOBER 3, 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: JANUARY 3, 2018, 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).

[ ] 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 PROVISIONS INVOLVED

"No person shall be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation," U.S.Const.amend.V.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the Crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compusory process for obtaining witnesses in his favor, and to have the assistance of Counsel for his defense. U.S.Const.amend.V.

STATEMENT OF THE CASE

On August 15, 2012, Petitioner Anthony Wayne Wiggins (hereinafter "Petitioner," or "Wiggins") was indicted in a two count Indictment. (J.A. at 46-48.) [1] Count One alleged that on or about June 30, 2012, in the Eastern District of North Carolina, Wiggins knowingly and intentionally possessed with the intent to distribute 28 grams or more of cocaine base (crack) in violation of 21 U.S.C. § 841(a)(1). Count Two alleged that on or about June 30, 2012, having previously been convicted of a crime punishable by a term of imprisonment exceeding one (1) year, Wiggins knowingly possessed a firearm and ammunition in and affecting commerce, in violation of 18 U.S.C. §§ 922(g)(1) and 924. (J.A. at 46-48.)

[1] This citation and the others following this format are to the Joint Appendix on file with the Clerk of Court of the Fourth Circuit.

On November 28, 2012, trial counsel for Wiggins filed a motion to suppress the evidence stemming from law enforcement's search of his residence on June 30, 2012. (J.A. at. 49-65.) On December 5, 2012, the government filed a response in opposition to Wiggins' motion to suppress. (J.A. at 70-80.) The district court denied the motion without a hearing on December 12, 2012. (J.A. at 82-86.)

On April 9, 2013, the government filed a Superseding Indictment in this case. (J.A. at 87-93.) The Superseding Indictment added a conspiracy charge with Wiggins and four newly indicted co-conspirators, as well as eight additional counts and a forfeiture notice. (J.A. at 87-93.) Count One of the Superseding Indictment charged Wiggins, Asael Gomez-Jimenez, Silvino Lara-Lara, Dario Gomez-Juarez, and Luisiana Figuerroa-Quezada with conspiracy to distribute and possess five kilograms or more of cocaine in violation of 21 U.S.C. §§ 841(a)(1) and 846. Counts One and Two of the original indictment against Wiggins were realleged as Counts Six and Seven in the Superseding Indictment. None of the other counts pertained to Wiggins. (J.A. at 87-93.)

On March 10, 2014, the Government filed an Information pursuant to 21 U.S.C. § 851. (J.A. at 94-106.) Wiggins was also arraigned that date on the Superseding Indictment, and pled not guilty to Counts 1, 6, and 7. (J.A. at 28.) Later that morning, the trial of Wiggins and Asael Gomez-Juarez began, and ran through March 13, 2014. (J.A. at 107-864.) On March 13, 2014, the jury returned a guilty verdict on all three counts against Wiggins. (J.A. 861-64.)

On July 11, 2014, Wiggins filed an objection to the Government's Information. (J.A. 900-02.) In response, the Government filed amended Informations on August 28, 2014 and September 2, 2014. (J.A. at 905-923.)

On September 3, 2014, the district court conducted a sentencing hearing for Wiggins. (J.A. at 924-51.) The district court overruled his objection to the Section 851 Informations, (J.A. at 927-29), and overruled all of his other objections in the Pre-Sentence Report. (J.A. at 929-31.) The district court found an advisory guideline range of life imprisonment on Counts One and Six, and 120 months on Count Seven. (J.A. at 931.) The district court sentenced Wiggins to life imprisonment. (J.A. at 952-57.)

On September 9, 2014, Wiggins filed a timely notice of appeal. (J.A. at 958-59.) The facts pertinent to each of Wiggins' arguments on appeal are adduced therein.

On September 29, 2015, the Court of Appeals issued a nonpublished opinion and order. The petition for Certiorari was filed on December 28, 2015 and was denied February 29,2016. On October 5,2016 petitioner filed a 28 U.S.C.§2255 Motion that was denied on May 5,2017. A Certificate of Appealability was Subsequently filed on June 7, 2017 and was denied on October 3,2017.

On October 23,2017, Petitioner filed a timely notice for Rehearing and Rehearing en banc. that was denied by the Court of Appeals on January 11,2018. See Appendices A,B. This Petition for Certiorari Follows.

REASONS FOR GRANTING CERTIORARI

1.

> The Court should grant certiorari in order to determine whether a defendant can be enhanced with 28 U.S.C.§851 under North Carolina Scheme without consideration to his A). prior record level; B). whether his prior convictions were "punishable" by a term exceeding one-year.

Petitioner was tried in eastern District of North Carolina on three Counts involving conspiracy to distribute five(5)kilograms of Cocaine in violation of 21 U.S.C.§846, possession of a gun by a felon, 18 U.S.C.§922(g), and distribution of 28 grams of crack cocaine. petitioner was convicted on all three counts and was sentenced to Life imprisonment plus Ten-years. Two of the petitioner's prior convictions of possession with intent to distribute exposed him to a 21 U.S.C.§851 enhancement that ultimately resulted in his life sentence were his WAKE and WILSON counties convictions in North Carolina in 1990 and 1994 respectively.

Petitioner subsequently challenged his 21 U.S.C,§851 enhancement in a 28 U.S.C.§2255 Motion that his two prior north Carolina convictions were not serious drug offense " Serious Drug Offense" is defined in pertinent part as " an offense under state, involving manufacturing, distributing, or possession with intent to manufacture or distribute a controlled substance for which a maximum term of imprisonment of Ten(10)years or more is prescribed by law, but was denied a Certificate of Appealability by the district Court as well as the Fourth Circuit Court of Appeals. Petitioner's Rehearing and Rehearing en banc was also denied by the Fourth Circuit. The two prior convictions that were used for this enhancement were both Consolidated for Judgment, were the Wake and Wilson Counties of North Carolina respectively and are all violations of NC.Gen.Stat.90-95(a) and the prison term did not exceed a total presumptive term for each felony. For instance, the Wake County convictions cases Number 90-crs-33666 and

90-crs-33668 in 1990 were for 1½ Ounce of Marijuana and 2grams of Cocaine respectively and both were consolidated and petitioner was sentenced to Six(6)Months in Prison. A review of the North Carolina Dept Of Public Safety (Adult Correction and Juvenile Justice) records Substantiates that.

Next the Wilson County convictions number 94-crs-6416, a violation of N.C.Gen.Stat.90-95(a). this was also consolidated with the Johnston County North Carolina convictions numbers 94-crs-15762, and 94-crs-15766, both were a Class-I felonies. The Wilson county conviction was a Suspended sentence while the Johnston county cases numbers 94-crs-15762 and 94-crs-15766 has a maximum of 10-12 months respectively. The judgment did not specify how many years were awarded to each individual offense. Like the Wilson, the Wake County convictions were also consolidated. The Maximum and the presumptive terms of imprisonment for each conviction were not listed; the judgment do not specify how many years were awarded for each individual offense. Rather, it listed each offense... STATUTORY, PRESCRIBED, PRESUMPTIVE AND MAXIMUM AGGRAVATED penalties.

Petitioner argues that because this convictions were consolidated without any breakdown of how many years was awarded to each individual offense. To nevertheless, count it as a Predicate to Enhancement is violative of the rule in both Simmons,649 F.3d 237 (4th Cir.2011) and Carachuri-rosendo v.Holder, 560 U.S.563 (2010) which teaches that Federal Courts should not apply "Hypothetical Sentencing enhancement" thereby lumping all defendants, and virtually all crimes into same category for purposes of "Federal sentencing" Simmons,at 249-50.

Furthermore, there is nothing on record supporting the government contention that any of petitioner's offense of conviction was punishable by 10years. As stated above, the alleged federal predicates of petitioner's offense were class-I and H felonies. The North Carolina Legislature assigned to this felony class I and H a presumptive 2-years and a Maximum of 5-years for CLASS I and 3-years presumptive and a Maximum aggravated penalty of 10-years for CLASS H; the North Carolina law under fair sentencing act established an aggravated and presumptive range for each offense. An examination of petitioner's record of those convictions as Simmons 649 at 243 instructs will reveal that there is no court judgement containing aggravating factors supporting any of the petitioner's sentence, that he did a year and a day in prison.

Additionally, the District Court did not account for petitioner's PRIOR RECORD LEVEL under North Carolina Law in determining whether petitioner's prior North Carolina convictions were "punishable by imprisonment for a term exceeding One-year." Petitioner argues that because under North carolina structured Sentencing Scheme, an offense of conviction is "punishable" for a term exceeding one-year only if the state Court could have sentenced a hypothetical defendant with the same prior records level as the defendants prior record level to a term exceeding one-year. Under that scheme also, petitioner's state prior record level dictates his sentencing exposure and, consequently, it must be considered in determining whether petitioner's conviction were "Punishable" for a term exceeding one-year. However, in those cases where the relevant records do not indicate a defendant's prior record level, it may well be that the government will be precluded from establishing that a conviction was for a qualifying offense.

Finally, the District Court Committed Procedural Error when it failed to considered petitioner's prior record level in determining whether his prior convictions qualified as a predicate for 21 U.S.C.§851 enhancement, but rather considered the maximum sentence allowable for a hypothetical defendant with the worst prior record level.

The Fourth Circuit Court of Appeals equally failed to address this issue of exceptional importance when it denied petitioner's Certificate of Appealability and Rehearing and rehearing en banc. Hence, this certiorari. The fourth circuit failed to follow its precedent in the Newbold, 791 f.3d 455; 2015 U.S.App.LEXIS 11203(4th Cir.2015). The Panels decision also conflicts with the decision in the United States v.Pruitt, 545 F.3d 416;2008 U.S.App.LEXIS 21843(6th Cir.2008); United States v.Plakio, 433 F.3d 692; 150 Fed.Appx.778 (10th Cir.2005); United States v.Haltiwanger, 637 f.3d 881;2011 U.S.App.LEXIS 6209 (8th Cir.2011).

PRUITT: In Pruitt, the 6th circuit held in regard to whether the defendant prior North Carolina convictions made a defendant a Career offender under U.S.S.G.4B1.1(a), that in light of Rodriguez Courts's must "Consider the defendant's particular prior record level and not merely the worst (possible) prior recoed level in determining whether a conviction was for an offense "punishable' by a term exceeding one year". Pruitt 545 f.3d @424. The Sixth Circuit concluded that under the North Carolina's Structured felony Sentencing Scheme, the maximum punishment authorized for pruitt's prior offenses of conviction depended on Pruitts' state Law "prior record level" at the time of of each conviction. See N.C.Gen.Stat.§15A-1340.17(c)-(d). Because the district Court failed to dó so, the Sixth Circuit VACATED Pruitts' conviction citing Procedural error. Such was the case here in the instant offense.

United States v.Pruitt,545 f.3d 416;2008 U.S.App.LEXIS 21843 (2008).

PLAKIO: the 10 th Circuit decided whether a defendans prior Kansas drug conviction Qualified under the U.S.S.G.§2K2.1(a)(4)(A) was a "felony", that is whether the offense was punishable by imprisonment for a term exceeding I-year (Plakio 433 f.3d@ 693-94)(quoting U.S.S.G.2K2.1 Cmt.app.n.1). Under Kansas Sentencing Scheme, the defendant could have received 11-Months in Prison Id @ 695. Reversing the District Court, the 10th Circuit held the conviction was not a felony because the state sentencing Court could not have imposed a sentence greater than One-year. central to Plakio's decision was the premise that the maximum sentence must be calculated by focusing on the particular defendant "taking his criminal history category(under Kansas Law) into account.

United States v.Plakio, 433 F.3d 692;150 Fed.Appx.778 (10th Cir.2005).

HALTIWANGER: In Haltiwanger, the defendant was found guilty of violating 21 U.S.C.841(a)(1) and District Court sentenced him to an enhanced sentence of 20-years, based on what it deemed a Prior-Felony drug Offenes for failure to Affix a drug Stamp. The defendant Appealed the enhanced sentence, arguing that "his tax stamp conviction is not a felony because he could not have been sentenced to more than 7-Months of Imprisonment under Kansas Sentencing Guidelines. The eight Circuit Affirmed the Sentence, but the Supreme Court Granted the Petitioner"s petition for WRIT OF CERTIORARI. VACATED the Appealate Court Judgment and Remanded the Case for further Consideration in Light of the Holding in Carachuri-Rosendo v.Holder,130 U.S.2577 (2010). After further consideration, the 8th-Circuit reversed haltiwanger"s sentence and remanded his case to the District Court for Resentencing.

United States v.Haltiwanger, 637 F.3d 881;2011 U.S.App.LEXIS 6209(8th.Cir. 2011).

In light of the Gravity of this error that occured in this case, the District Court denial of the certificate of Appealability, the Fourth Circuit denial of both Certificate Of Appealability and Rehearing and Rehearing en banc. The Substantial Sentence received by Petitioner, in this case "Life Sentence". More importantly, the Panel's decision conflicts with the Sixth, Tenth and Eight Circuit in Pruitt, Plakio, and Haltiwanger respectively. It is respectfully submitted that a Writ Of Certiorari should be granted in order to resolve this conflict of exceptional importance

2. **Whether a defendant (Customer) who purchases drugs from a seller without a Requisit Agreement to redistribute should be transformed into a Co-Conspirator.**

Petitioner was charged with a Conspiracy to distribute and posses with intent to distribute five (5)kilograms or more of cocaine in violation of 21 U.S.C.§846. At trial the only evidence that was adduced was that he was a customer of the Seller. Petitioner argues that the Fourth Circuit Court of Appeals mis-characterized his primary argument that there was no requisit agreement between him and the seller to redistribute the drugs he purchased from him and thus there is no conspiracy. To violate 21 U.S.C.§846, there need only be proof the conspirators agreed to jointly undertake a prohibited conduct, not to do so with a specific drug in mind." The gist or gravamen of the conspiracy is an agreement to effectuate a criminal act." **515 F.2d at 1074**. The emphasis of conspiracy law is upon the act, the agreement to violate the law. Petitioner contends that the Fourth Circuit Court of Appeals denial of his petition for certificate of appealability and the reversal of his conspiracy conviction was an error because he only purchased cocaine from his purported co-conspirator for re-sale without any agreement to distribute.

This was further corroborated by the DEA agent in-charge of the operation. For instance DEA Agent Scully stated in his direct testimony when asked about petitioner:(J.A.333-34); That he was familiar with petitioner (Wiggins) through his interception of his conversation on the TITLE-III WIRETAP. He further stated as follows:

> "**That DEA did not seek authorization to tap Mr.Wiggins phone, because DEA policy and also the belief of other Agents involved was that based on their intercepted calls, that petitioner was a mere CUSTOMER of the group led by Gomez-jimenez. He also stated "We didn't feel it appropriate use of DEA fund that it would require to intercept and monitor to actually go down to a customer."**

In fact, petitioner's argument on his 28 U.S.C.§2255 was that he was not part of a drug conspirayc and that that the evidence was insufficient to sustain defendants conviction for conspiracy to distribute and possess with intent to distribute Five(5)Kilograms or more of Cocaine. Rather than analyzing the errors complained that there was no requisite agreement between petitioner and any co-conspirator to distribute a controlled substance in violation of 21 U.S.C.§846, petitioner was denied a Certificate of Appealability and was also subsequently denied a rehearing and Rehearing en banc. The panel opined that petitioner was involved in a conspiracy. The panel's decision and failure to anlyze this error, that a Buyer/seller relationship without more is not a conspiracy. Thus the Petition for the Writ of Certiorari.

petitioner contends that the Fourth decision conflicts with the decisions from other circuits. Specifically, the decisions of the Second, Seven and the Ninth Circuits as stated respectively......

BROCK: **Finding that the seller had no interest in what the Buyer did with the drugs he purchased and that he viewed the buyer only as a customer vitiated the inference of an agreement to redistribute.**

United States v.Brock, 789 F.3d 60,65 (2nd Cir.2015).

Colon:

COLON: **Regular purchases on a standard terms could not transform a customer** in **into a Co-conspirator, even though he was a buyer for resale. Defendants 135 Months sentence, and conviction for aiding and abetting a conspiracy and of conspiring to distribute drugs because he was merely a purchaser from a conspirator was VACATED.**

United States v.Colon, 549 F.3d 565 (7th Cir.2008).

LOVELAND: **The evidence was insufficient to sustain defendants conviction for conspiracy with intent to distribute Methamphetamines under 21 U.S.C.§846, because he did not make a requisite agreement; although the Quatities and repeated sales to defendant supported an inference that the group knew they were selling drugs to a reseller, that was not sufficient to prove that the group agreed**

with defendant that he was to redistribute drugs; defendant could have flushed the drugs down the toilet for all they cared, since they already had the Money. The Panel Reversed the district Court judgment and VACATED the defendant's Conviction and sentence for conspiracy to possess Methamphetamine with intent to distribute.

United States v.Loveland, 2016 U.S.App.LEXIS 10107 (9th Cir.2016).

Clearly, the Fourth Circuit Court of Appeals decision to deny Petitioner's Certificate of Appealability and Rehearing and Rehearing en banc conflicts with the decisions of the other circuits, i.e the Second, Seventh and the Ninth respectively. It is respectfully submitted that a Writ of Certiorari should be granted in order to resolve this issue of exceptional importance.

3. **The Court should grant certiorari in order to Determine whether a a conviction for a violation of interstate commerce should stand where Government failed to prove that the Firearm traveled in Interstate Commerce, A key element of the Crime.**

At fourth Circuit petitioner argued that the 922(g) conviction that subsequently exposed him to Interstate Commerce Violation was insufficient to prove a violation of interstate Commerce. At petitioner's trial, the only evidence presented by the government was that the jury should disregard any deliberations on the Count because the government assumed that petitioner will agree that any gun found in North Carolina was manufactured outside of the State of north Carolina. Based on this "Arbitrary Inference", District Court found the testimony sufficient to prove a violation of the Interstate Commerce Element and the jury convicted the petitioner.

Petitioner contends that in order to prove the requisite nexus to interstate commerce, the prosecution is obligated to adduce evidence showing for example that the Firearms at issue was manufactured in another state and a failure to make a factual determination on the interstate element of the firearms charge will amount to reversal of Petitioner's conviction. more importantly, petitioner posits that Guns were at One Time manufactured in north Carolina and therefore both the Government and the Court reliance on such inference is Non sequitur. Petitioner contends that other Circuits that have addressed this issues have also reversed such convictions. Specifically, the fifth and the Second Circuits respectively.

In United States v. Burton, 324 F.3d 768; 2003 U.S.App.LEXIS. 4475 (5th Cir.2003). In Burton, defendant was convicted of Carjacking, 18 U.S.C.2119 and violation of interstate Commerce. At trial, Government presented no evidence whatsoever that the Vehicle Nissan Maxima involved in the carjacking traveled in interstate commerce, a key element of the crime, instead, it's only evidence to the jury was that it was within the "COMMON KNOWLEDGE" of the jury that no Nissan Maximas were Manufactured in Mississippi to the date of the Carjacking. The Governemnt offers only Speculation to support this Contention.

The Fifth Circuit disagreed and reversed Burton's Conviction stating that the

Government evidence is not merely attenuated to find Burton convicted as charged, but rather, it's worse there is total lack of evidence to support the interstate commerce element. The Government failed to make a persuasive argument showing that the presence or absence of a Nissan Manufacturere in Mississippi was a matter of common knowledge of Jurors in Mississippi. Because the Government presented no evidence whatsoever, that the Nissan traveled in Interstate commerce, a Key Element of the Crime, we conclude that Burton's conviction amounts to a "manifest Miscarriage of Justice". It REVERSED.

In United States v.Jones, 16 F.3d 489;1994 U.S.App.LEXIS. 2182 (2nd Cir.1994). Jones was convicted of Armed Robbery 18 U.S.C.2113(a),(d) using a firearm during a crime of violence a violation of 18 U.S.C.§924(c) and possession of Firearm by a convicted Felon 18 U.S.C.§922(g) that exposed him to Interstate Commerce Violations. At trial the only evidence presented by the Government was that Handguns are not presently Manufactured in New York State, and that any Gun now possessed in New York must have been Manufactured outside of New York. Based on this "Inference" the District Court found the testimony sufficient to prove the Interstate Commerce Element and defendant Jones was Convicted.

The Second circuit Court of Appeals reversed the conviction reasoning that the only evidence presented by the Government that the gun traveled in interstate Commerce is the "Arbitrary Inference" that gun found in New York must have been made outside of New York. It Instructed the District Court to dismiss that Court Indictment. See also United States v.Travisano, 724 F.2d 341 @347-48(2nd Cir.1983).

It is respectfully submitted that a Writ of Certiorari be granted to Resolve these Circuit conflicts.

CONCLUSION

For the above reasons, Petitioner respectfully requests that the Court grat this petition for Writ Of Certiorari to the Fourth Circuit Court of Appeals, to correct this Manifest Miscarriage of Justice and grant whatsoever other relief that must be just and proper.

Respectfully submitted this the 31 day of March 2018

/s/ Anthony Wiggins
ANTHONY WAYNE WIGGINS, ID: 56530-056
USP HAZELTON, P.O.BOX 2000
BRUCETON MILLS, WV 26525

CERTIFICATE OF SERVICE

I, Anthony Wayne Wiggins, petitioner, do hereby certify, that on this 31 day of March, 2018 did place a true and correct copy of this "Motion" within the Institutional legal Mail pouch, Fully addressed, with postage/ Certified affixed thereto Clerk's office, The Supreme Court of the United States, 1 First Street, N.W. Washington, D.C.20543-0001. and the Solicitor General of the United States, Rm-5614, DOJ, 950 Pennslvania Ave. N.W. Washington ,D.C. 20530-0001.

I Anthony Wayne Wiggins, declare under penalty that the foregoing is true and correct. Executed on 31 /March/2018

/s/ Anthony Wiggins
ANTHONY WAYNE WIGGINS, 56530-056
USP HAZELTON,P.O.BOX 2000
BRUCETON MILLS, WV 26525