

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

JAVIER REYES-RAMIREZ — PETITIONER
(Your Name)

vs.

THE UNITED STATES — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

JAVIER REYES-RAMIREZ
(Your Name)

Phoenix FCI, 37910 North 45th Avenue
(Address)

Phoenix, AZ 85086
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

01. Is the Defendant a Deportable Alien (1927) to receive a Probation Time? According to the Law a Defendant who is a deportable Alien is not subject to Probation time due to the fact that he is going to be deported to another country where he is unable to see a probation officer. A deportable alien has the right to avoid probation time due to the fact that a he is recognized as a Deportable Alien under INA § 237.
02. An error in the violation of Supervised Time was given to the defendant (who is a Deportable Alien), which states that shall not exceed the middle of applicable policy statement range. Defendant got exceeding, instead of 16 months he got 19 Months, which is not due process in the United States. Is Defendant protected by the U.S. Law to request concurrent time due to the fact that Supervised Release time (Probation) is not part of his sentence because he is a Deportable Alien?

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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:

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

01. United States v. Aguilera-Rios, 2014
BL 166841, 9th Cir., No 12-50597, 6/17/14).
02. United States v. Raya-Vaca, 2014 BL
3173343, 9th Cir., No 13-50129, 11/10/14.

STATUTES AND RULES

OTHER

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was March 19, 2018.

☒ 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).

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 _____ 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 A 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.

STATEMENT OF THE CASE

On 6-19-2017, the District Court of Arizona indicted Petitioner Javier Reyes-Ramirez ("Reyes") of violating Title 8, U.S.C. § 1326(a), Reentry of Removed Alien, with sentencing enhancement pursuant to Title 8, U.S.C. § 1326(b)(1), a class C felony offense, and the revocation of supervised release and consecutive 19-month sentence imposed upon revocation; Case Nos.: 2:17-cr-00506-SPL, 2:14-cr-01014-SPL.

Defendant Reyes objected the revocation of his supervised release. He discussed it with his attorney in order to run it concurrently with his reentry sentence Case No. 2:17-cr-00506-SPL. The Defendant is a Deportable Alien and "An alien defendant convicted of illegal re-entering the United States after removal can challenge the validity of the underlying deportation that the conviction that prompted it does not trigger removal, the United States Court of Appeal for the Ninth Circuit held June 17 (U.S. v. Aguilera-Rios, 2014 BL 166841, 9th Cir., No. 12-50597, 6/17/14)."

Reyes was prejudiced by due process violations in the expedited removal proceedings like U.S. v. Raya-Vaca, 2014 BL 3173343, 9th Cir., No. 13-50129, 11/10/14. Reyes was constitutionally entitled to other protections-namely, the right to be advised of potential relief and/or the right to consult counsel.

Also, a Deportable Alien is not subject to Probation Time or Supervised release, due to the fact that he is going to be deported to another country where he is unable to see a probation officer and there are no rules to follow up. A Deportable Alien has the right to avoid probation time due to the fact that he is recognized as a Deportable Alien under INA § 237.

Likewise, there is an error in the violation of this "Supervised Release" time given to Reyes, which states that shall not exceed the middle of applicable policy statement range. Reyes got exceeding, instead of 16 months he got 19 months, which is not a due process in the United States Courts. Reyes only deserves 41-Month for Reentry. For the foregoing reason, Reyes respectfully requests that this Court GRANT his petition for writ of certiorati.

APPENDIX A

