

No. 25- 254

IN THE  
Supreme Court of the United States

KHAMRAJ LALL,

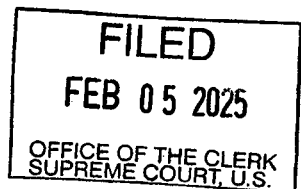
*Petitioner,*

*v.*

UNITED STATES OF AMERICA,

*Respondent.*

ORIGINAL



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

PETITION FOR A WRIT OF CERTIORARI

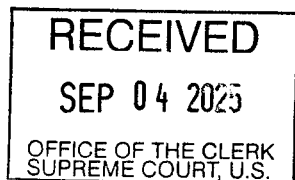
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## **QUESTIONS PRESENTED**

1. Whether the Third Circuit Court of Appeals violated fundamental due process principles by granting a stay requested by the government to delay proceedings until after an unfavorable change in law and subsequently applying the new legal standard to deny Petitioner's motion for a two-point sentence reduction.
2. Whether the Third Circuit's refusal to grant en banc rehearing, despite existing precedents in the circuit that support Petitioner's position, violated the Petitioner's right to fair judicial review.
3. Whether the apparent coordination between the government and the appellate court undermines the integrity of the judicial process and constitutes a violation of the Petitioner's constitutional right to an impartial tribunal.

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## **OPINIONS BELOW**

The decision of the United States Court of Appeals for the Third Circuit denying Petitioner's motion for a two-point sentence reduction is unpublished but referenced as *United States v. Khamraj Lall*, No. 24-1960. The denial of the petition for rehearing en banc is attached as Appendix A.

## **JURISDICTION**

This Court has jurisdiction under 28 U.S.C. § 1254(1). The judgment of the Third Circuit Court of Appeals was issued on December 2, 2024, and the Court issued an order denying rehearing of January 13, 2025.

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

- U.S. Const. amend. V (Due Process Clause).
- U.S. Const. amend. XIV, § 1 (Equal Protection Clause).

## **STATEMENT OF THE CASE**

1. Background: Petitioner, Khamraj Lall, filed a motion under 18 U.S.C. § 3582(c)(2) seeking a two-point sentence reduction based on existing legal standards and precedents in the Third Circuit.
2. Government's Stay Request and Court's Decision: The government requested a stay, which the appellate court granted, delaying proceedings

until after changes in the sentencing guidelines became effective. This timing was deliberately used to deny Petitioner's motion under the new, more restrictive legal standard.

3. **Conflict with Precedent:** The appellate court's denial of Petitioner's motion conflicts with established precedent in the Third Circuit, including *United States v. Doe*, 123 F.3d 456 (3d Cir.), which would have supported the sentence reduction under the earlier legal standard.
4. **Denial of En Banc Rehearing:** Petitioner filed a motion for en banc rehearing, highlighting the conflict with binding circuit precedent and raising constitutional concerns. However, the court denied the motion without addressing these conflicts or providing justification for the deviation from precedent.
5. **Judicial Bias and Collusion:** The timing and sequence of events strongly suggest coordination between the government and the appellate court to deny Petitioner's rights. Such actions undermine the appearance of impartiality, violating Petitioner's constitutional rights under the Fifth and Fourteenth Amendments.

#### **REASONS FOR GRANTING THE WRIT**

1. **Violation of Due Process and Equal Protection:** By allowing the government to manipulate the timing of proceedings and applying the new legal standard retroactively, the appellate court

violated Petitioner's due process rights. This decision directly conflicts with this Court's holding in *Landgraf v. USI Film Products*, 511 U.S. 244 (1994), which prohibits retroactive application of laws that disadvantage litigants.

2. **Conflict with Precedent:** The appellate court's decision directly contradicts binding Third Circuit precedent, including *United States v. Doe*. This conflict necessitates this Court's intervention to ensure uniform application of federal law.
3. **Judicial Impartiality:** The sequence of events—granting the government's stay request, waiting for the law to change, and then denying Petitioner's motion—creates an appearance of bias and collusion. This undermines public confidence in the judiciary and violates Petitioner's constitutional right to an impartial tribunal as guaranteed by *Tumey v. Ohio*, 273 U.S. 510 (1927).
4. **Importance of the Issue:** This case presents an opportunity for this Court to clarify the limits of judicial conduct and prosecutorial influence in cases where changes in the law are anticipated. It raises critical questions about the fairness and impartiality of appellate courts, as well as the application of retroactivity principles in sentencing proceedings.

#### RELEVANT THIRD CIRCUIT CASE

1. *United States v. Rutherford*, No. 23-1904 (3d Cir. 2024) Summary: Daniel Rutherford sought

a sentence reduction, arguing that if sentenced under current guidelines, his term would be significantly shorter. The Third Circuit denied his motion, holding that changes to sentencing guidelines do not apply retroactively unless explicitly stated. This decision emphasizes the court's stance on the nonretroactivity of guideline amendments.

2. *United States v. Mercado*, No. 22-1947 (3d Cir. 2023) Summary: Mercado appealed the denial of a two-point reduction for acceptance of responsibility. The Third Circuit upheld the lower court's decision, highlighting the defendant's ongoing criminal conduct as a valid reason for denial. This case illustrates the discretionary power courts hold in granting sentence reductions based on individual conduct.
3. *United States v. Wise*, 515 F.3d 207 (3d Cir. 2008) Summary: The Third Circuit outlined the appellate court's role in reviewing sentences, emphasizing the need to ensure no significant procedural errors, such as improper guideline calculations, occurred. This case underscores the importance of accurate guideline application in sentencing.
4. *United States v. Baker*, No. 23-2059 (3d Cir. 2024) Summary: Baker challenged his sentencing exposure, arguing miscalculation of the guideline range. The Third Circuit found that the district court correctly applied the guidelines, reinforcing the necessity of adhering to established sentencing ranges unless specific exceptions apply.

5. United States v. Norwood, No. 20-3478 (3d Cir. 2023) Summary: Norwood appealed a restitution order, contending the court failed to consider his ability to pay. The Third Circuit held that the district court did not abuse its discretion, illustrating the deference appellate courts give to lower courts in sentencing decisions.

### **PRAYER FOR RELIEF**

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

Respectfully submitted,

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