

25-5580

No. _____

FILED

AUG 04 2025

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

OPTIONAL
MAIL

SUPREME COURT OF THE UNITED STATES

of America

Moises Moreno #01789-500
(Your Name) PETITIONER

vs.

United States of America RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

Moises Moreno #01789-500
(Your Name)
Federal Correctional Complex - U.S.P.-I
P.O Box 1033
(Address)

Coleman, FL 33521
(City, State, Zip Code)

(Phone Number)

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QUESTION(S) PRESENTED

- 1) Did David L. Bakers' lack of sending a private investigator, Esteban Hernandez, to Mexico violate my constitutional rights and due process law under certain criteria cause and gave me an unfavorable outcome at my sentence due to his deficiency?
- 2) Why by having chemical compound analysis done by the D.E.A. which show no fentanyl in the drugs I was arrested with show bias and ineffectiveness by David L. Baker failure to object and further ask to show chemical proof which I have (see Appendix) that being charged with importation of fentanyl violate my constitutional rights at trial?
- 3) Why is it that District Judge Cynthia A. Bashant gave jury instructions to the jury box to base the case solely on evidence show impartiality when one juror sent a note back with the foreman fearing for the safety of his/her family and instead of further voir dire the juror or replace the juror with the ~~one~~ other alternate, she just sent the note back (see Appendix) with the same instructions instead of asking said juror if she/he was still basing the case off of evidence rather than fear violate my constitutional rights by not further addressing adequately the issue of the biased juror before the final verdict was rendered?
- 4) Did the court also violate my constitutional rights and due process clause by using the same biased jury to convict me and finding me guilty of a crime and enhancing me without allowing me to collateral attack the conviction of a case that had nothing to do with drugs in order to enhance my conviction?

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:

Cynthia A. Bashant, District Judge
David L. Baker, Defendants Lawyer
Drug Enforcement Agency
Esteban Hernandez, Private Investigator

RELATED CASES

Strickland v. Washington

466 U.S. 608, 700, 104 S. CT 2052, 80 L. Ed 2d 674 (1982)

Smith v. Phillips

455 U.S. 209, 216-217, 102 S. Ct. 940, 71 L. Ed 2d 78 (1982)

Mattox v. United States

36 L. Ed 917 (SEE S. C. Reporters Ed, 140-153 (No. 1008) (1982)

United States v. Cronic

466 U.S. 648, 80 L. Ed. 2d 657, 104 S. CT 2039 (No. 82-640) 1984

Ryan v. Jones

563 U.S. 932, 131 S. CT 2091, 179 L. Ed 2d 886 (1992 U.S. 155)

Kyles v. Whitley

115 S. Ct. 1555, 131 L. Ed 2d 490, 514 U.S. 419 (1995)

Brady v. Maryland

373 U.S. 83, 10 L. Ed 2d 215 83 S. Ct 1194 (No. 490) (1963)

United States v. Wilson

901 F.2d 378; 1990 U.S. App Lexis 5844 (No. 88-7785)

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Brady v. Maryland (2025 U.S. App Lexis 55) 373 U.S. 83, 10 L.Ed.2d 215, 83 S.Ct 1194 (No. 490) (1963).....	
United States v. Wilson, 901 F.2d 378, 1990 U.S. App Lexis 5844 (No. 88-7785) (No. 1008) (1982).....	
Mattox v. United States, (36 L.Ed. 917 (SEE S.C. Reporters Ed., 140-153) United States v. Cronic, 466 U.S. 648, 80 L.Ed.2d 657, 104 S.Ct 2039 (No. 82-660) (1984).....	
Ryan v. Jones (563 U.S. 932, 131 S.Ct 2091, 179 L.Ed.2d 886 (602 U.S. 155) Kyles v. Whitley (115 S.Ct 1555, 131 L.Ed.2d 2d 490, 514 U.S. 419 (1995) Smith v. Phillips (455 U.S. 209, 216-217, 102 S.Ct 940, 91 L.Ed.2d 78 (1982) Strickland v. Washington (466 U.S. 668, 700, 104 S.Ct 2052, 80 L.Ed.2d 674 (248 L.Ed. 629).....	
STATUTES AND RULES	
21 U.S.C. §§ 952	U.S. Const Amend <u>VI</u>
21 U.S.C. §§ 940	U.S. Const Amend <u>V</u>
28 U.S.C. § 1291	Federal Rules of Appellate Procedure, Rule 4
18 U.S.C. § 3742	Federal Rules of Appellate Procedure, Rule 35
18 U.S.C. § 3237	Federal Rules of Criminal Procedure, 35, 52
21 U.S.C. § 851	
18 U.S.C. § 3231	
18 U.S.C. § 3553	
OTHER	
21 U.S.C. §§ 960(B)(1)	U.S.S.G. 5C1.2
21 U.S.C. §§ 960(B)(1)(F)	U.S.S.G. 5K1.1
U.S.S.G. § 2D1.1	Arizona Revised Statutes §§ 13-1902
U.S.S.G. § 3B1.1	Arizona Revised Statutes § 13-1904
U.S.S.G. § 3B1.2	

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APPENDIX E

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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 _____ 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.

JURISDICTION

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

The date on which the United States Court of Appeals decided my case was FEB 3, 2025.

[] 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: MAY 19, 2025, and a copy of the order denying rehearing appears at Appendix B.

[] 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

United States Constitution, 5th Amendment

United States Constitution, 6th Amendment

18. U.S.C. §§ 3231

18. U.S.C. §§ 3553

18. U.S.C. §§ 3237

18. U.S.C. § 3742

21. U.S.C. §§ 952

21. U.S.C. §§ 960

21. U.S.C. §§ 960 (B) (1)

21. U.S.C. §§ 960 (B) (1) (F)

21. U.S.C. § 851

28 U.S.C. §§ 1281

U.S.S.G. §§ 2D1.1

U.S.S.G. §§ 3B1.1

U.S.S.G. §§ 3B1.2

U.S.S.G. §§ 5C1.2

U.S.S.G. §§ 5K1.1

STATEMENT OF THE CASE

On June 5, 2021 I, Moises Moreno traveled from San Diego to Mexico, returning on June 16, 2021. I was driving a 2006 Ford F150 truck. There was a Tech Alert system out for me to check my cab and truck out of Douglas Port of Entry out of Arizona. I was referred to secondary where ~~the~~ the drug dog gave negative results until officers came out of Central office to give directives to further check truck which was sent to Z-Portal device for further inspections which scans gave and showed anomalies in the truck's roof that appeared to be a number of square shapes inside. After I waved my Miranda Rights I spoke with Homeland Security Investigator Kaitlyn Jones and told her I had no idea how or where those packages came from. Both parties presented expert witnesses regarding the construction of the compartment in the truck roof, the expert agreed that the compartment could have been built without the owner knowing it was there. That the truck would not drive different (SEE APPENDIX) The expert also testified that anyone could produce a key for a 2006 Ford F150 at any home depot. The drugs were also analyzed and no fentanyl was detected nor any purity (SEE APPENDIX) So why was I charged with Implication of fentanyl. Also structural error was presented by defense counsel last of asking for voir dire to judge for biased juror.

REASONS FOR GRANTING THE PETITION

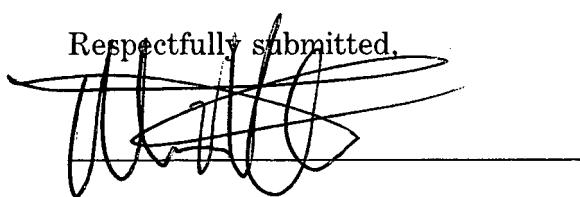
I Moises Moreno should be granted the writ of CERT BECAUSE the statutory charges are 21.U.S.C 952, 960 and According to D.E.A chemical Analysis report No fentanyl in the drugs and David L.Baker violated his oath when he did not further show chemical Analysis from D.E.A chemical Analysis reports and failed to further ask the courts to EXERCISE my right for a fair trial by asking for an alternate JUROR (voirdire). So I, Moises Moreno respectfully asks the highest court grant my petition due to the fact that my constitutional rights and DUE PROCESS LAW where violated by David L.BAKER, Defense Attorney, and Circuit Judge Cynthia A. Bashant.

THE PETITIONER contends that this court should VACATE HIS CONVICTION AND SENTENCE AND REMAND THE CASE BACK TO THE DISTRICT COURT IN WHICH HE WAS CONVICTED FOR FURTHER PROCEEDINGS FOR THE VIOLATION OF HIS CONSTITUTIONAL AND STATUTORY RIGHTS WHEREFORE APPELLANT/PETITIONER PRAYS THE HIGHEST COURT WILL VACATE HIS CONVICTION AND REMAND BACK TO THE DISTRICT COURT.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature is written over a horizontal line. The signature is in cursive and appears to read "John Doe".

Date: August 4, 2025