

IN THE
SUPREME COURT OF THE UNITED STATES

No. _____

OCTOBER TERM, 2025

LUIS MARROT CACERES,

Petitioner,

- vs -

UNITED STATES OF AMERICA,

Respondent.

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

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QUESTION PRESENTED FOR REVIEW

Whether the district court's misunderstanding of the record as evidenced in its order denying Petitioner's 28 U.S.C. § 2255 motion was so fundamental and material that the entire order must be deemed to be contaminated requiring automatic reversal.

TABLE OF CONTENTS

Authorities Cited	ii
Question Presented for Review	Prefix
Petition for Writ of Certiorari.....	1
Jurisdiction and Citation of Opinion Below	2
Introduction	3
Statement of Facts and Case.....	4
A. District Court Proceedings	4
B. Federal Habeas Proceedings.....	7
Argument	9
THE COURT SHOULD GRANT REVIEW OF THIS CASE TO DECIDE WHETHER, IN THE CONTEXT OF A 28 U.S.C. § 2255 MOTION, A DISTRICT COURT’S MISUNDERSTANDING OF THE RECORD CAN BE SO FUNDAMENTAL AND MATERIAL THAT ITS ENTIRE ORDER DENYING RELIEF IS CONTAMINATED AND AUTOMATIC REVERSAL IS REQUIRED	9
Conclusion	17
Appendix: Exhibit “A” - Ninth Circuit Court of Appeals Memorandum	
Exhibit “B” - U.S. District Court Order Denying Section 2255 Motion	
Exhibit “C” - Petitioner’s 28 U.S.C. § 2255 Motion	

TABLE OF AUTHORITIES

CASES

<u>Arizona v. Fulminante</u> , 499 U.S. 279 (1991)	13
<u>Doganiere v. United States</u> , 914 F.2d 165 (9th Cir. 1990)	15
<u>Gideon v. Wainwright</u> , 372 U.S. 335 (1963)	12
<u>Jackson v. Virginia</u> , 443 U.S. 307, 332 (1979)	14,16
<u>Jones v. Taylor</u> , 763 F.3d 1242 (9th Cir. 2014)	15
<u>McKaskle v. Wiggins</u> , 465 U.S. 168 (1984)	12
<u>Strickland v. Washington</u> , 466 U.S. 668 (1984)	7
<u>Sullivan v. Louisiana</u> , 508 U.S. 275 (1993)	13
<u>Tumey v. Ohio</u> , 273 U.S. 510 (1927)	12
<u>United States v. Montanez</u> , 82 F.3d 520 (1st Cir. 1996)	11
<u>Vasquez v. Hillery</u> , 474 U.S. 254 (1986)	12
<u>Waller v. Georgia</u> , 467 U.S. 39 (1984)	13

STATUTES

18 U.S.C. § 3553(f)	9
18 U.S.C. § 3553(f)(5)	3,5,9
28 U.S.C. § 1254	2
28 U.S.C. § 2255	<u>passim</u>

28 U.S.C. § 2255(f)	16
28 U.S.C. § 2255(h)	16

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Petitioner respectfully prays that a *writ of certiorari* issue to review the judgment of the United States Court of Appeals for the Ninth Circuit entered on August 21, 2025.

JURISDICTION AND CITATION OF OPINION BELOW

On August 21, 2025, the Ninth Circuit affirmed Petitioner's judgment in an unpublished Memorandum opinion. [Ex. "A"]. This Court has jurisdiction to review the Ninth Circuit's decision pursuant to 28 U.S.C. §§ 1254 and 2255(c).

CONSTITUTIONAL PROVISION AT ISSUE

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 compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

U.S. Constit., amend VI.

FEDERAL STATUTORY PROVISION AT ISSUE

28 U.S.C. § 2255:

A prisoner in custody under sentence of a court established by Act of Congress claiming the right to be released upon the ground that the sentence was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack, may move the court which imposed the sentence to vacate, set aside or correct the sentence.

28 U.S.C. § 2255

INTRODUCTION

Petitioner asks the Court to grant review of this case to decide whether, in the context of a federal habeas petition, automatic reversal of a district court order denying relief must occur when the order clearly demonstrates that the district court had a fundamental misunderstanding of the record, and this error contaminated its analysis and decision on the claim at issue.

Petitioner raised in his section 2255 motion an ineffective assistance of counsel claim asserting that his counsel was prejudicially ineffective in connection with the safety-valve portion of his sentencing for a drug offense. The government did not recommend safety-valve relief in his case because it found that Petitioner had not satisfied the truthful disclosure requirement of 18 U.S.C. § 3553(f)(5) prior to sentencing. Petitioner claimed that his attorney performed deficiently by failing to arrange for an in-person debriefing with the government in order to allow him to satisfy this requirement. In support of his motion, Petitioner declared that he would have participated in a debriefing had his attorney arranged for it, and he pointed out that the district court stated that it would have imposed a sentence well below the ten-year mandatory-minimum sentence had it had the ability to do so.

In its order denying this claim, the district court terribly misconstrued the record. It stated in its order that Petitioner, and not his lawyer, was to blame for not

receiving a safety-valve recommendation from the government, because defense counsel did arrange for Petitioner to participate in a debriefing, and the government made the reasonable determination that he was not truthful during this meeting. [Ex. “B” at 4]. But as the record clearly indicates, no debriefing was ever arranged, and no debriefing ever occurred. Petitioner argues in this petition that because the district court’s inexplicable and comprehensive misunderstanding of what occurred prior to sentencing in connection with safety-valve contaminated the entirety of its ruling as to this issue, automatic reversal of the district court’s order is required.

STATEMENT OF FACTS AND CASE

A. District Court Proceedings

In December 2019, Petitioner was arrested at the United States/Mexico border after controlled substances were found concealed in a vehicle which he was driving through the port of entry. Petitioner subsequently pled guilty to importing methamphetamine and heroin into the United States pursuant to a standard plea agreement which is offered to typical drug couriers in the Southern District of California. [CR 17].¹ Because the information alleged that the offense involved in

¹ “CR” refers to the docket for the U.S. District Court for the Southern District of California, and will be followed by the number of the entry being referenced; “ER” refers to Appellant’s excerpts of record filed in the Ninth Circuit Court of Appeals.

excess of 500 grams of methamphetamine, a 10-year mandatory-minimum sentence applied to the case. [CR 10].

Sentencing originally was set for May 2020. [CR 17]. The pre-sentence report was filed in April 2020, and noted that Petitioner was eligible for safety-valve in all aspects, except for the 18 U.S.C. § 3553(f)(5) truthful disclosure requirement which had yet to be satisfied. [CR 21]. In April 2020, at the request of defense counsel, the district court continued the sentencing to July 2020. [CR 23]. Then in July 2020, again at the request of defense counsel, the sentencing date was moved to September 2020. [CR 24].

On August 31, 2020, counsel for Petitioner filed a request for downward departures, but said nothing about the application of safety-valve to the case. [CR 25]. The district court then, on its own motion, moved the sentencing date to October 26, 2020. [CR 26]. Six days prior to sentencing, the government filed its sentencing memorandum in which it declined to recommend safety-valve relief because it determined that Petitioner had not provided the government with the required truthful and complete information concerning his involvement in the offense. [CR 30]. The government stated that it had received a safety-valve proffer letter from defense counsel that same day, but it deemed the information in the letter not to be credible or complete.

Remarkably, defense counsel filed nothing with the district court regarding safety-valve prior to sentencing; instead, counsel asked for another continuance at the hearing which was denied, and then simply argued that Petitioner should receive safety-valve relief because the written proffer counsel submitted was truthful and complete. The district court was highly critical of defense counsel's performance at multiple points in the hearing, noting that defense counsel waited eight months after Petitioner's guilty plea to submit the proffer letter to the government, and confirming that after the government rejected the proffer, counsel failed to set up an in-person debriefing to address the government's concerns with the disclosure. The district court stated:

I just don't understand why you didn't get this done before. I don't. It's huge consequences for your client. But to wait until the 11th hour after a continuance and then say, well, you know, here's the version in October, months and months after the fellow's pled, and you know that this was going to be in the balance. I mean, it's the difference between a 10-year mandatory and some lesser sentence, and you didn't attend to that in all of these months? You know, COVID is a partial explanation, but given the amount of time that's passed since he pled, it doesn't persuade me that that's the reason that this didn't happen.

[ER 117-18].

The district court sided with the government and found that Petitioner was ineligible for safety-valve relief because he failed to provide the government with

a truthful account of his involvement in the offense. [ER 140-43]. The district court sentenced Petitioner to the mandatory-minimum sentence of 120 months in prison. [ER 147].

B. Federal Habeas Proceedings

The district court appointed instant counsel for Petitioner to present a section 2255 motion alleging ineffective assistance of counsel. Petitioner claimed in his motion based on Strickland v. Washington, 466 U.S. 668 (1984), that his retained counsel was prejudicially ineffective because, among other reasons, he did not initiate safety-valve proceedings in a timely manner which left insufficient time to satisfy the truthful disclosure requirement, and he did not effectively respond to the government's concerns about his written proffer by setting up a debriefing with the government. In support of his motion, Petitioner filed affidavits from himself and his brother responding to areas where the government believed his written proffer had fallen short of satisfying the truthful disclosure requirement. [Ex. "C"].

The district court denied the section 2255 motion, stating that it denied safety-valve at sentencing not because of any error committed by defense counsel, but because it agreed with the government's assessment that Appellant's disclosure was insufficient. [Ex. "B"]. This order, however, was based upon the district court's complete misunderstanding of the most important fact for this Sixth Amendment

claim—the failure of defense counsel to set up a debriefing. The district court wrote:

Concerning Caceres’s claim that his lawyer was tardy in initiating Safety Valve discussions, the Court finds that counsel properly arranged for Caceres to participate in a debriefing before Caceres’s scheduled sentencing date. The problem wasn’t the timing of the debriefing. Instead, according to the Government, the problem was Caceres didn’t tell the truth during the debriefing.

[Ex. “B” at 4]. Later in the order, and in connection with the failure of defense counsel to obtain another continuance to work on safety-valve, the district court wrote that “[n]o provision of the Guidelines, nor any case law of which the Court is aware, entitles a defendant who deliberately lies during a Safety Valve debriefing to a ‘second bite at the apple.’” Id.

These passages from the district court’s order demonstrate that, inexplicably, the district court believed that defense counsel arranged an in-person debriefing between Petitioner and the government, the debriefing occurred, and the government opined afterward that Petitioner was untruthful during the debriefing. The district court was wrong on all fronts, as no debriefing ever occurred.

The Ninth Circuit granted a certificate of appealability on the question of whether defense counsel performed ineffectively in connection with safety-valve. After briefing and oral argument, the Ninth Circuit proceeded directly to prejudice and denied relief, writing that “[e]ven if his counsel had submitted a proffer to the

government earlier or arranged for Caceres to participate in an in-person debriefing with the government, there is not a substantial likelihood that the district court would have reached a different conclusion.” [Ex. “A”].

ARGUMENT

THE COURT SHOULD GRANT REVIEW OF THIS CASE TO DECIDE WHETHER, IN THE CONTEXT OF A 28 U.S.C. § 2255 MOTION, A DISTRICT COURT’S MISUNDERSTANDING OF THE RECORD CAN BE SO FUNDAMENTAL AND MATERIAL THAT ITS ENTIRE ORDER DENYING RELIEF IS CONTAMINATED AND AUTOMATIC REVERSAL IS REQUIRED

18 U.S.C. § 3553(f) allows a district court to impose a sentence below an applicable mandatory-minimum sentence if a defendant meets its five listed criteria. 18 U.S.C. § 3553(f). Relevant to this petition, the fifth factor requires that “not later than the time of the sentencing hearing, the defendant has truthfully provided to the Government all information and evidence the defendant has concerning the offense or offenses that were part of the same course of conduct or of a common scheme or plan, but the fact that the defendant has no relevant or useful other information to provide or that the Government is already aware of the information shall not preclude a determination by the court that the defendant has complied with this requirement.” 18 U.S.C. § 3553(f)(5).

Petitioner pled guilty to an information alleging a drug quantity that

triggered a ten-year mandatory-minimum sentence. For this reason, the top priority for defense counsel at sentencing was to secure Petitioner's qualification for safety-valve relief from this minimum sentence. But instead of defense counsel working on safety-valve in a timely and effective manner, he waited more than eight months to do so, and he then failed to take necessary steps to ensure that Petitioner would satisfy the truthful disclosure prong required for safety-lave relief.

In his section 2255 petition alleging ineffective assistance of counsel, Petitioner argued that, along with the eight-month delay in initiating work on safety-valve, his counsel was prejudicially ineffective because he failed to arrange for an in-person or telephonic debriefing with the government in order to satisfy the truthful disclosure prong. The district court was made aware of this fact during the sentencing hearing, and confirmed with the government that had defense counsel requested such an in-person meeting with the government, it would have accommodated the request. [ER 105]. Defense counsel stated that despite the defense having the burden of establishing compliance with this final prong of safety-valve, the issue of having an in-person meeting never came up. [ER 109]. In his declaration to the district court, Petitioner asserted that if his counsel had set up a debriefing, he would have met with the government to detail his involvement in the offense. [ER 155-56].

The First Circuit, in United States v. Montanez, 82 F.3d 520, 522 (1st Cir. 1996), has explained why having a debriefing is so important in the safety-valve truthful disclosure process. That Court wrote that a debriefing “offers an occasion to persuade the government that the defendant has made full disclosure and thus to win its ‘recommendation’ for avoiding the mandatory minimum.... If the government still opposes the departure, the defendant can say to the judge that the government had a chance to ask everything it wanted.” Montanez, 82 F.3d at 523. It went on to warn that “[a]s a practical matter, a defendant who declines to offer himself for a debriefing takes a very dangerous course” because, for instance, reliance on “a letter runs an obvious and profound risk: The government is perfectly free to point out the suspicious omissions at sentencing, and the district court is entitled to make a common sense judgment.” Id.

In its order denying Petitioner’s section 2255 motion, the district court did not judge whether defense counsel was ineffective by failing to set up a debriefing, and whether this omission prejudiced Petitioner. [Ex. “B” at 3-5]. Instead, the district court inexplicably believed that an in-person debriefing between Petitioner and the government had occurred, and the government had found that Petitioner had not been truthful and complete during this meeting. Id. The district court wrote that “the Court finds that counsel properly arranged for Caceres to

participate in a debriefing before Caceres's scheduled sentencing date. The problem wasn't the timing of the debriefing. Instead, according to the Government, the problem was Caceres didn't tell the truth during the debriefing." Id. at 4.

The Ninth Circuit declined to reverse despite the district court's egregious error in construing the record, finding that there was not a substantial likelihood that the district court would have reached a different conclusion had it properly understood the record. [Ex. "A"]. The question Petitioner now presents relates to the comprehensive and material record misconstruction by the district court in its order. Petitioner asserts that due to the fundamental nature of the district court's mistake and its impact on the district court's analysis, its entire ruling on this issue was contaminated, and reversal of its order is automatically required.

The Court has identified a limited number of "structural" errors which require automatic reversal for circumstances where the trial or charging process was fundamentally compromised. These structural errors include: "total deprivation of the right to counsel at trial," see Gideon v. Wainwright, 372 U.S. 335 (1963); "a judge who was not impartial," see Tumey v. Ohio, 273 U.S. 510 (1927); "unlawful exclusion of members of the defendant's race from a grand jury," see Vasquez v. Hillery, 474 U.S. 254 (1986); "the right to self-representation at trial," see McKaskle v. Wiggins, 465 U.S. 168 (1984); "the right to [a] public trial," see Waller v. Georgia,

467 U.S. 39 (1984), Arizona v. Fulminante, 499 U.S. 279, 309-10 (1991); and “denial of the right to a jury verdict of guilt beyond a reasonable doubt.” See Sullivan v. Louisiana, 508 U.S. 275, 281 (1993).

In Tumey, it was not in dispute that the judge had “a pecuniary interest in convicting the defendant who came before him for trial, in the twelve dollars of costs imposed in his behalf, which he would not have received if the defendant had been acquitted.” Id. at 523. The Court wrote that “it certainly violates the Fourteenth Amendment, and deprives a defendant in a criminal case of due process of law, to subject his liberty or property to the judgment of a court the judge of which has a direct, personal, substantial, pecuniary interest in reaching a conclusion against him in his case.” Id. The Court ordered automatic reversal for this violation, stating that “[n]o matter what the evidence was against him, he had the right to have an impartial judge.” Id. at 535.

This petition does not implicate an error in the trial or charging process; instead, it concerns an error in the collateral judicial review of the effectiveness of Petitioner’s counsel at sentencing. In the adjudication of his section 2255 petition in the district court, Petitioner did not have a partial judge as did defendant in Tumey. What he did have, however, was a district court that lacked even a basic understanding about what had happened in connection with safety-valve when it

denied section 2255 relief. Just as a defendant has an absolute “right to have an impartial judge,” Tumey, 273 U.S. at 535, he also has the right to a judge who has a competent understanding of the facts which are central to the claim raised. Petitioner unfortunately did not have that here. Habeas corpus “is designed to guard against extreme malfunctions in the state criminal justice systems,” Jackson v. Virginia, 443 U.S. 307, 332, n. 5 (1979) (STEVENS, J., concurring in judgment), and the district court’s denial of Petitioner’s Sixth Amendment claim with findings that were based on its complete misunderstanding of the most salient points in the record easily qualifies as such a malfunction.

While the Ninth Circuit acknowledged the district court’s error and decided this case under de novo review, this did not take sufficient account of the harm from the district court’s error. First, just as a court of appeals cannot case aside a violation of one of the aforementioned rights from the Court’s structural error cases and decide whether the defendant would have been convicted even without such a violation, see Tumey, 273 U.S. at 535, (automatic reversal required no “matter what the evidence was against [defendant],”) the Ninth Circuit should not have been able to try and figure out what the district court would have decided had it understood that Petitioner never participated in a debriefing. Just as the errors identified as being structural by the Court fundamentally compromised the proceedings at issue those

cases, here also the district court's egregious error in construing the record contaminated its entire analysis and order as to this claim.

Second, the district court's misconstruction of the record was not the sort of factual finding which should have been handled under clear error review. See Doganiere v. United States, 914 F.2d 165, 167 (9th Cir. 1990) (district court's factual findings in section 2255 order are reviewed for clear error). This was not a "factual finding," it was a wholesale misunderstanding of the record. Unlike a finding by the district court on an issue such as the credibility of a testifying witness in a section 2255 evidentiary hearing where the district court makes a knowing and intelligent assessment, see Jones v. Taylor, 763 F.3d 1242, 1245 (9th Cir. 2014) (noting district court's credibility findings from evidentiary hearing), here the district court's misunderstanding of the record prevented it from intelligently ruling on this claim in any manner. Accordingly, to the extent the Ninth Circuit simply assessed the district court's fundamental mistake as a clear error which it then considered as part of its own Sixth Amendment analysis, this was an improper way to address this extraordinary foundational error. In a circumstance where the record demonstrates that the district court lacked even a rudimentary understanding of the material facts underlying a section 2255 claim, and its order denying relief relies on its misunderstanding of these facts, a court of appeals should not be permitted to try and

figure out what conclusion the district court might have reached had it understood the record properly.

Finally, the contamination of the district court's order denied Appellant a level of required review pursuant to section 2255. While there are multiple ways in which a petitioner can be denied district court merits review of a federal habeas claim, including by filing late, see 28 U.S.C. § 2255(f), by filing a second or successive petition, see 28 U.S.C. § 2255(h), or by a procedural default, see Jackson, 443 U.S. at 324 (a claim cognizable in a § 2255 proceeding may proceed only "if the settled procedural prerequisites for such a claim have otherwise been satisfied"), a district court misconstruing the record so significantly so as to deny a Petitioner a fair ruling on his claim is not a permissible way to deny such process. Petitioner complied with all requirements in the filing and prosecution of his section 2255 motion, but was then denied an equitable ruling on the merits of his claim in the district court due to its failure to comprehend the record properly. This effective denial of a first-level review of his section 2255 motion further supports automatic reversal.

The prejudice to the government or district court with a remand would be minimal given the posture of this case. Here, the district court would simply decide the case anew, this time with a correct understanding of three facts crucial to

this Sixth Amendment analysis: (1) Petitioner’s lawyer never arranged for a safety-valve debriefing; (2) Petitioner never participated in one; and (3) had defense counsel arranged for Petitioner to meet with the prosecutor and government agents to satisfy the truthful disclosure requirement, he would have responded to all of the government’s inquiries and truthfully provided “all information and evidence the defendant has concerning the offense or offenses that were part of the same course of conduct or of a common scheme or plan” 8 U.S.C. § 3553(f)(5). This analysis would present a minimal burden to the district court and government, and is required given the undue deprivation of process suffered by Petitioner in these proceedings up to the present.

CONCLUSION

For the above reasons, Petitioner respectfully requests that the Court grant the instant petition to review the decision of the Ninth Circuit Court of Appeals.

Respectfully submitted,

Dated: October 1, 2025

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