

25-6116

ORIGINAL

**IN THE SUPREME COURT OF THE UNITED STATES OF AMERICA.**

FRANK IGLESIAS,

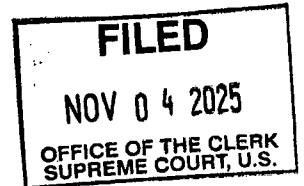
Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

(9th Cir. No.: 9th Cir. 24-4886)  
(U. S. D. C., C. D. Cal. No. 2:05-cr-232-  
DMG (C. D. Cal. 2024))



**PETITION FOR WRIT OF CERTIORARI.**

ON PETITION TO THE UNITED STATES COURT OF APPEALS FOR THE  
NINTH CIRCUIT.

FRANK IGLESIAS  
6333 Palm Av.  
Bell, CA., 90201  
Appellant in Pro Se

**QUESTION PRESENTED FOR REVIEW.**

Did the Ninth Circuit abused its discretion in finding that Petitioner is not entitled to shortening or terminating supervised release of his sentence?

## **PARTIES TO THE PROCEEDING AND RELATED PROCEEDINGS.**

The parties to the proceeding below are as follows:

Petitioner is Frank Iglesias. He was a Defendant in the District Court, and Appellant in the Ninth Circuit.

Respondent is the United States of America. It was the Government in the District Court, and Appellee in the Ninth Circuit.

The related proceedings are:

*United States of America v. Frank Iglesias*, 2:05-cr-232-DMG (U. S. Dist. Ct., Central Dist. Of California, Order Denying Motion to Terminate Supervised Release).

*United States of America v. Frank Iglesias*, 24-4886 (Ninth Circuit, Memorandum affirming the District Court).

### **RULE 29.6 STATEMENT**

As required by Supreme Court Rule 29.6, applicants hereby submit the following corporate-disclosure statement.

1. Applicants have no parent corporation.
2. No publicly held corporation owns any portion of applicants, and applicants are not a subsidiary or an affiliate of any publicly owned corporation.

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## CITATIONS.

The Judgment was granted against Petitioner in the case of *United States v. Iglesias*, Ninth Circuit No. 24-4886, April 25, 2025, and is unreported.

## STATEMENT OF JURISDICTION.

The District Court had jurisdiction pursuant to 28 U.S.C. § 1331. (District Court Docket (“Dock.”) No. 1). The Ninth Circuit had jurisdiction pursuant to 28 U. S. C., §1291. This Court has jurisdiction pursuant to 28 U. S. C., §1254(1). Petitioner is seeking to review the Judgment, entered on April 25, 2025 (Apx. 1a-2a).

## STATUTORY PROVISIONS.

18 U. S. C., §3583(e):

“(e) **Modification of conditions or revocation.**--The court may, after considering the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7)--

“(1) terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice;

“(2) extend a term of supervised release if less than the maximum authorized term was previously imposed, and may modify, reduce, or enlarge the conditions of supervised release, at any time prior to the expiration or termination of the term of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation and the provisions applicable to the initial setting of the terms and conditions of post-release supervision;

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“(3) revoke a term of supervised release, and require the defendant to serve in prison all or part of the term of supervised release authorized by statute for the offense that resulted in such term of supervised release without credit for time previously served on postrelease supervision, if the court, pursuant to the Federal Rules of Criminal Procedure applicable to revocation of probation or supervised release, finds by a preponderance of the evidence that the defendant violated a condition of supervised release, except that a defendant whose term is revoked under this paragraph may not be required to serve on any such revocation more than 5 years in prison if the offense that resulted in the term of supervised release is a class A felony, more than 3 years in prison if such offense is a class B felony, more than 2 years in prison if such offense is a class C or D felony, or more than one year in any other case; or

“(4) order the defendant to remain at his place of residence during nonworking hours and, if the court so directs, to have compliance monitored by telephone or electronic signaling devices, except that an order under this paragraph may be imposed only as an alternative to incarceration.

### **STATEMENT OF THE CASE.**

On February 18, 2005, the Government filed its Complaint against Petitioner (Dist. Ct. Dock. No. 1).

On March 8, 2005, the Grand Jury indicted Petitioner (Dist. Ct. Dock. No. 10).

After changing his plea to guilty, on June 6, 2006, the District Court issued the Judgment on June 6, 2006 (Dist. Ct. Dock. No. 58). As part of his Judgment, Petitioner was given a Supervised-Release term of life (Id.).

On March 22, 2024, Petitioner moved to terminate his term of Supervised Release (Dist. Ct. Dock. No. 65).

On May 20, 2024, the Government filed its Opposition to the Motion to Terminate Supervised Release (Dist. Ct. Dock. No. 73).

On June 3, 2024, Petitioner filed his Reply (Dist. Ct. Dock. No. 77).

On July 24, 2024, the District Court denied the Motion to Terminate Supervised Release (Dist. Ct. Dock. No. 78 (SEALED IN DISTRICT COURT)). The District Court does not mention much in the Order of Denial.

The Notice of Appeal was timely filed on August 5, 2024 (Dist. Ct. Dock. No. 79).

On October 21, 2025, Petitioner filed his Opening Brief (9<sup>th</sup> Cir. Dock. No. 7).

On December 19, 2024, the Government filed it's Answering Brief (9<sup>th</sup> Cir. Dock. No. 14).

On January 7, 2025, Petitioner filed his Reply Brief (9<sup>th</sup> Cir. Dock. No. 16).

On April 25, 2025, the Ninth Circuit issued its Memorandum affirming the District Court (Apx. 1a-2a).

On May 8, 2025, Petitioner filed his Petition for Panel Rehearing and Rehearing En Banc (9<sup>th</sup> Cir. Dock. No. 26).

On August 29, 2025, the Ninth Circuit issued its Order Denying the Rehearing Petition (Apx. 3a; UNABLE TO TO RETRIEVE FILE FROM PACER.).

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

### **I. INTRODUCTION.**

Petitioner moved the District Court to terminate his term of supervised release pursuant to 18 U.S.C. § 3583(e)(1). The lifetime term of supervised release began on his prior release from prison. Petitioner has already completed approximately seven years of his supervisory term. Petitioner is being supervised in the Central District of California where he lives and works. Petitioner contends that he is in full compliance in all areas of supervision.

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## II. APPLICABLE LAW.

Title 18, section 3583(e)(1) of the United States Code authorizes the Court to terminate a defendant's term of supervised release at any time after the expiration of one year of supervision if the Court is "satisfied that such action is warranted by the conduct of the defendant released and the interest of justice." No hearing is requested for this unopposed petition.

Section 3583(e) directs the Court to consider the purposes of sentencing set forth in 18 U.S.C. § 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6) and (a)(7) in deciding whether to terminate a term of supervised release. The Judicial Conference has identified the following criteria to assess eligibility for early termination:

Officers should consider the suitability of early termination for offenders as soon as they are statutorily eligible. The general criteria for assessing whether a statutorily eligible offender should be recommended to the court as an appropriate candidate for early termination are as follows:

1. stable community reintegration (e.g., residence, family, employment);
2. progressive strides toward supervision objectives and in compliance with all conditions of supervision;
3. no aggravated role in the offense of conviction, particularly large drug or fraud offenses;
4. no history of violence (e.g., sexually assaultive, predatory behavior, or domestic violence);
5. no recent arrests or convictions (including unresolved pending charges), or ongoing, uninterrupted patterns of criminal conduct;
6. no recent evidence of alcohol or drug abuse;
7. no recent psychiatric episodes;
8. no identifiable risk to the safety of any identifiable victim; and

9. no identifiable risk to public safety based on the Risk Prediction Index (RPI).

Guide to Judiciary Policy, Vol. 8E, Ch. 3 § 380.10(b), “Early Termination” (Monograph 109) (rev’d 2010) (emphasis added).

Pursuant to the policy, “there is a presumption in favor of recommending early termination” for supervisees after the first 18 months if they are not “career violent and/or drug offenders, sex offenders, or terrorists,” if they “present no identified risk to the public or victims,” and if they are “free from any moderate or high severity violations.” *Id.*, §380.10(g).

Further, on February 16, 2012, the Honorable Robert Holmes Bell, Chair of the Committee on Criminal Law of the Judicial Conference, issued a memorandum to all United States District Court Judges encouraging them to grant early termination of supervised release in appropriate cases as an effort to reduce expenditures in the probation and pretrial services programs. Terminating “appropriate cases before they reach their full term saves resources and allows officers to focus on offenders who continue to pose the greatest risk of recidivism.” Judge Bell’s memorandum notes that supervision costs approximately \$3,938 per year per case. Analysis by the Administrative Office of the Courts indicates that offenders who received early termination were “arrested less often, for less serious charges, and were sentenced to terms of imprisonment less often.” Accordingly, “[f]rom a policy standpoint, it appears that the above criteria, when properly applied, does not jeopardize public safety.” *Id.*

### **III. PETITIONER SATISFIES ALL THE CRITERIA FOR EARLY TERMINATION.**

Petitioner satisfies all the factors set forth for early termination. He has completed all his terms of supervision and has no need for programming or treatment. He had minimal special conditions and has fully complied with all of

them. Notably, he has no conditions requiring any sort of programming or counseling, and none has been needed during the course of supervision. Petitioner was convicted of distribution of child pornography in June 2006, for which he received 140 months in custody. He self-surrendered and served his prison time without incident. His supervision has likewise been without any incident. Petitioner has a steady residence, and family life.

The letters of support attached to the Motion testify to Petitioner's stability and character.

Terminating Petitioner's supervised release would enable him to better support his family financially.

His experience in the system changed him profoundly and set him on the stable path that he is on today. The District Court is often called upon to impose serious consequences for defendants who violate supervised release. Petitioner has completed every condition asked of him and has gone far beyond the requirements of his supervision. He has fully reintegrated into society and is a valued worker, family member, and citizen. He has achieved stable community reintegration in terms of housing, family, and employment. He is in full compliance with all terms of supervision. He had no aggravated role in the offense, no violence or weapons in this offense, and is not using controlled substances. He has no psychiatric issues. He enjoys the support of his community. He is an ideal candidate for early termination of supervised release based on every factor the Court must consider.

Given Petitioner's commendable reentry into the community and performance on supervised release, he respectfully requested that the District Court order that his term of supervision be terminated under 18 U.S.C. § 3583(e).

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