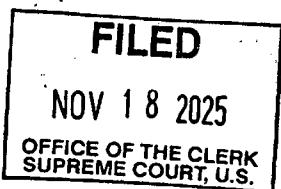


ORIGINAL

No. 25-6275

IN THE



SUPREME COURT OF THE UNITED STATES

Louie Holloway — PETITIONER  
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals For the Sixth Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Louie Holloway  
(Your Name)

Manchester FCI/ P.O. Box 4000  
(Address)

Manchester KY 40962-4000  
(City, State, Zip Code)

N/A  
(Phone Number)

QUESTION(S) PRESENTED

- 1.) UPON Remand DID THE DISTRICT COURT EXCEED ITS prior FACTUAL FINDINGS BY RE CHARACTERIZING FIREARM USES PREVIOUSLY DEEMED RELEVANT CONDUCT AS SEPERATE CRIMINAL EPISODES, PRODUCING A HARSHER SENTENCE WITHOUT NEW CONDUCT OR EVIDENCE?
- 2.) WAS IT JUDICIAL VINDICTIVENESS WHEN THE SENTENCING COURT CHANGED STATE SENTENCE FROM CONCURRENT WITH FEDERAL SENTENCE TO CONSECUTIVE.
- 3.)

## 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 CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	
STATEMENT OF THE CASE .....	
REASONS FOR GRANTING THE WRIT .....	
CONCLUSION.....	

## INDEX TO APPENDICES

APPENDIX A *United States Court of Appeals For Sixth Circuit (order)*

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
North Carolina v. Pearce	395 U.S. 711 (1969)
Texas v. McCullough	475 U.S. 134 (1986)
United States v. Mwilins	971 F2d 1138 (4th Cir) 1992
United States v. Bell	988 F2d 247 (1st Cir. 1993)

## STATUTES AND RULES

- 18 U.S.C. 922 (g)(1)
- 18 USC 924 (c)
- U.S.S.G 2A1.1
- U.S.S.G 2K2.1(c)(1)(B)
- U.S.S.C. 5G1.1 (2)

## OTHER

Judicial vindictiveness

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 August 7, 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: \_\_\_\_\_, 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).

**CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

- \* SEE ORDER FROM United States Court of Appeals Appendix A
- \* SEE Appellants Brief Appendix B pg (vi)

922(g)(1)

924(c)

USSG 2A1.1

2K2.1(c)(1)(B)

5 G1.1(a)

## STATEMENT OF THE CASE

IN 2008 a Federal Jury convicted Holloway of the following crimes; three counts of Felon in poss. of a Firearm under 18 USC 922(g), one count of attempted Hobbs act robbery under 18 USC 1951, and one count of discharging a Firearm in the commission of crime of violence under 18 USC 924(c). He was sentenced to 120 months for each 922(g) and 240 months on the Hobbs act robbery conviction, all to run concurrent. The Court imposed a life sentence on the 924(c) conviction ran consecutively to the Hobbs act robbery sentence.

In 2022 Holloway filed a successful 2255 in light of United States v. Taylor 596 U.S. 845 (2022), and was resentenced. (see Holloway v. United States, No. 2:20-cv-02419, EFC No 27). A Resentencing MR Holloway received a consecutive sentence, although the Firearm convictions were all in fact multiplicitous, and reflected one continuous incident of possession. The Sixth Circuit affirmed on August 7, 2025, this see Case No. 24-5896, USA v. Louie Holloway. On September 29, 2025 A Request to file a writ of Certiorari.

## REASONS FOR GRANTING THE PETITION

The due process clause prohibits imposing a harsher sentence upon resentencing as punishment for a defendant's successful appeal. In *North Carolina v. Peacock*, 395 U.S. 711 (1969), the Supreme Court held that an increased sentence after a successful appeal creates a presumption of vindictiveness "unless new objective information justifies the harsher term."

Here the re-sentencing Court's decision to increase punishment by running all the 922(g) counts consecutive rather than concurrent after the Taylor伏ture squarely implicates *Peacock* at 395 U.S. 711. The government did not establish by a preponderance of the evidence the guns were stored at different locations. Instead they applied a test out of the 11th circuit: the record already established the firearm uses as part of a single "continuous crime spree" under USSG 1B1.3(a)(2), conduct that is part of the same course of conduct or common scheme must be treated together, not divided into multiple counts for additional consecutive penalties. *United States v. Mullings* 971 F2d. 1138 (4th Cir. 1992) and *United States v. Scender* 982 F2d. 4 (1st Cir. 1992) hold that separating

Offenses already deemed relevant conduct constitutes impermissible double counting.

When a sentencing court previously found these firearm uses to be "relevant conduct" [see Sent. Tr.] tied to one criminal episode, it can not later reverse that factual finding to impose new consecutive ten-year terms under 922(g) without violating the law-of-the-case doctrine. See United States v. Bell, 988 F2d. 247 (1st Cir. 1993).

IF the same factual record existed at the first sentencing, there was no "new conduct" to justify using the homicide cross reference on remand. That supports the vindictiveness presumption.

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lee Holloway", is written over a horizontal line.

Date: 11-14-2025

No. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

Louie Holloway — PETITIONER  
(Your Name)

VS.

United States of America — RESPONDENT(S)  
(6<sup>th</sup> CIRCUIT)

**PROOF OF SERVICE**

I, Louie Holloway, do swear or declare that on this date,  
November 14, 2025, as required by Supreme Court Rule 29 I have  
served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*  
and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding  
or that party's counsel, and on every other person required to be served, by depositing  
an envelope containing the above documents in the United States mail properly addressed  
to each of them and with first-class postage prepaid, or by delivery to a third-party  
commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 14, 2025

Louie Holloway  
(Signature)