

25-6963

ORIGINAL

No. USAP4 25-6489

CASE NO. 1:00-CR-455 (LMB)

IN THE

SUPREME COURT OF THE UNITED STATES

FILED  
JAN 05 2026  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

Ernesto F. Cole — PETITIONER  
(Your Name)

vs.

UNITED STATES OF AME. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEAL FOR THE FOURTH CIRCUIT  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Ernesto Cole 44620-004  
(Your Name)

P.O. BOX 725  
(Address)

EDGEFIELD, SC 29824  
(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)

## QUESTION(S) PRESENTED

- 1-Whether The District Court abused its discretion under 18 U.S.C. Section 3582(c)(4)(A) by denying my compassionate release request after approximately 30 months without providing an individualized explanation addressing my post-sentencing rehabilitation, deteriorating health, deportability, and not responding to a supplemental CR request citing new compelling and extraordinary circumstances. (Appendix B, C)
- 2-Whether The Fourth Circuit Court of Appeals Summary Affirmance conflicts with United States v. Martin, 916 F.3d 389 (4th Cir. 2019); United States v. High, 997 F.3d 181 (4th Cir. 2021); and Concepcion v. United States, 142 S. Ct. 2389 (2022), which requires courts address all non-frivolous arguments and explain their reasoning sufficiently for review. (Appendix A)
- 3-Whether this Honorable Court should grant, vacate, and remand under Chavez-Meza v. United States, 138 S. Ct. 1959 (2018) because the lower courts failed to provide a reasoned basis for denying relief.

## 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:

## RELATED CASES

**TABLE OF CONTENTS**

OPINIONS BELOW.....1  
JURISDICTION.....2  
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....3  
STATEMENT OF THE CASE .....4  
REASONS FOR GRANTING THE WRIT .....5  
CONCLUSION.....6

**INDEX TO APPENDICES**

- APPENDIX A - Affirmance from United States Court of Appeals for the Fourth Circuit
- APPENDIX B - Seven page order from the District Court for the Eastern District of Virginia
- APPENDIX C - Two page order from the District Court for the Eastern District of Virginia
- APPENDIX D - Reconsideration request to the District Court for the Eastern District of Virginia
- APPENDIX E - Reconsideration request order from the D.C.E.D.V.
- APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Chavez-Meza v. United States 138 S.Ct. 1959 (2019)  
Concepcion v. U.S. 142 S.Ct. 2389 (2022)  
Pepper v. U.S. 562 U.S. 476 (2011)  
U.S. v. Marton 916 F.3d 389 (4th Cir. 2019)  
U.S. v. High 997 F.3d 181 (4th Cir. 2021)  
U.S. v. Bethea 54 F.4th 826 (4th Cir. 2022)  
U.S. v. McDonald 986 F.3d 402 (4th Cir. 2021)  
U.S. v. Hargrove 30 F.4th 189 (4th Cir. 2022)

STATUTES AND RULES

18 U.S.C. SECTION 3582 (C) (1) (A); 18 U.S.C. SECTION 3553 (a);  
28 U.S.C. SECTION 1254 (1).

OTHER

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 B to the petition and is

reported at 1:00-CR-00465-LMB Doc. 115; 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 OCT. 21, 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**

18 U.S.C. Section 3582(c)(1)(A) and Section 3553(a).

## STATEMENT OF THE CASE

The Petitioner is a Panamanian Citizen incarcerated since the year 2000 and moved for COMPASSIONATE release after more than 20 PLUS years of sincere remorse, obvious rehabilitation, service to his congregated community, and multiple serious illnesses. He has demonstrated extraordinary and compelling reasons for release, has been scheduled for immediate deportation by I.C.E., and has agreed and requested treaty transfer to Panamanian Executive Order made effective by President Trump.

The District Court denied Petitioner's motion in a seven-page order without addressing his sincere remorse and rehabilitation - but did find it "commendable" (Appendix E), did not address his health evidence, nor his humanitarian arguments. Consequently, the Fourth Circuit Court of Appeals affirmed without opinion on Oct. 21, 2025 (Appendix A).

A request for reconsideration was not sent to the Fourth Circuit Court of Appeals because one had already been sent to the District Court, was denied (Appendix D, E), and Petitioner feared another boilerplate denial by the Circuit Court.

## REASONS FOR GRANTING THE PETITION

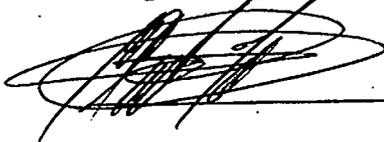
- 1- The lower court ignored binding Fourth Circuit precedent under *Martin and High*. District Courts must give an individualized explanation addressing a defendant's arguments and Section 3553(a) factors. The order here-in contains no analysis of rehabilitation, medical risks, declining health, or deportability; violating those precedents and denying meaningful appellate review.
- 2- The decision conflicts with Supreme Court Authority. *Concepcion and Chavez-Meza* require courts to consider all non-frivolous arguments and show that they did so. By issuing a boilerplate denial, the District Court failed its duty under those decisions; therefore, creating a clear conflict with this Honorable Court's precedent.
- 3- Declining health, Health risk, Humanitarian and International interests warrant review. The Petitioner is 61 years old and has served over a quarter of a century while facing automatic removal to Panama. He has demonstrated sincere remorse, redemption, acceptance of responsibilities, and true rehabilitation through his demeanor and actions in teaching both academic and physical courses during all his incarceration. Additionally, he has authored seven books; not for profit but for the sole purpose of sharing with and benefiting those around him. Consequently, his continued incarceration provides no societal benefit and contradicts the principle of justice and economy that Congress intended in Section 3582 (c)(1)(A) to serve.

I very humbly and respectfully request/plead with this Honorable Court to grant this Petition, vacate the Judgment, and remand for further proceedings consistent with Concepcion, Chavez-Meza, Martin, and any other legal precedent to date which I may not be aware of.

#### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



---

Date: 2-10-26