

25-7039

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

FILED  
NOV 19 2025  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

**ORIGINAL**

IN THE

SUPREME COURT OF THE UNITED STATES

Tyree M. Neal, Jr — PETITIONER  
(Your Name)

vs.

United States — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Seventh Circuit Court of Appeals  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Tyree M. Neal, Jr  
(Your Name)

2680 highway 301 south  
(Address)

JESUP, GA 31599  
(City, State, Zip Code)

618-559-3976  
(Phone Number)

### QUESTION(S) PRESENTED

- (1) PETITIONER FILED HIS (2255). SEVEN MONTHS BEFORE THE 7TH CIRCUIT DECIDED UNITED STATES V. RUTH, (7TH CIR. 2020). PETITIONER COULD HAVE NEVER BEEN WAITING FOR THE RUTH DECISION, PETITIONER FILED UNDER MATHIS THE "CATEGORICAL APPROACH" HOW CAN COUNSEL NOT BE INEFFECTIVE.
- 2). HOW COUNSEL FAILING TO OBJECT AND APPLY THE CATEGORICAL APPROACH SEE MATHIS V. UNITED STATES, 136 S. CT 2243, 195 L. ED. 2D 604 (2016). AND ALLOWING PETITIONER TO BE SENTENCED TO A ILLEGAL 360 MONTHS. WHICH MATHIS WAS DECIDED 42 DAYS BEFORE PETITIONER NEALS GUILTY PLEA 15 MONTHS BEFORE SENTENCING, AND 2 YEARS WHILE ON APPEAL.
- 3). HOW IS COUNSEL NOT INEFFECTIVE FOR FAILING TO OBJECT JUST BECAUSE MR. NEAL WAS NOT FACING A LIFE SENTENCE, BUT WAS SENTENCED TO A ILLEGAL 30 YEAR SENTENCE, A NON-VALID BSI, PRIOR FELONY DRUG OFFENCE, RECIDIVISM ENHANCEMENT, IS A NON-VALID ENHANCEMENT NO MATTER WHAT.
- 4). COUNSEL'S PLEA AGREEMENTS ALL CONTAINED THE ILLEGAL BSI ENHANCEMENT THAT MR. NEAL NEVER SIGNED. NEAL AND COLEMAN ARE IDENTICAL.
- (5) THE RUTH CHALLENGE WAS NOT NOVEL, SEE WHITE V. UNITED STATES, 8 F.4TH 547, 555-56 (7TH CIR 2021) TAYLOR V. UNITED STATES, 495 U.S. 575, 600 110 S. CT 2143, 109 L. ED. 2D. 607 (1990). BUT IN THE NEAL CASE THE 7TH CIRCUIT SAYS IS. THATS CONFLICTING. AS ITS NOT A CHANGE IN LAW.

TABLE OF PARTIES

STATEMENTS BELOW

[X] All parties appear in the caption of the case on the cover page.

PARTICIPATION

[ ] 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:

STATEMENT OF THE CASE

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APPENDIX B

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APPENDIX C

NEAL v. United States, 19-CV-1360-JPG

APPENDIX D

~~2025 LX 349876~~ NEAL v. United States, 25 U.S. APP. LEXIS 23018;  
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TABLE OF AUTHORITIES CITED

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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 B to the petition and is

- reported at 2025 U.S. APP/EXIS 23018; 2025 LX 349896. SEPTEMBER 2025; 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 C to the petition and is

- reported at 2023 U.S. DIST. LEXIS 43832, 2023 WL 2527031 (March 15, 2023); 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 SEPTEMBER 5, 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 60 days (date) on DECEMBER 4, 2025 (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

① Sixth amendment Right

21 U.S.C. 841(A)

21 U.S.C. 841(B)(1)(C)

21 U.S.C. 851

28 U.S.C. 2253

28 U.S.C. 1291

28 U.S.C. 2255

28 U.S.C. 1331

720 ILCS 570/206(B)(4)

720 ILCS 570/401(C)(2)

21 U.S.C. 802(17)

### STATEMENT OF THE CASE

ON August 20, 2014 PETITIONER NEAL WAS CHARGED BY INDICTMENT WITH A SINGLE COUNT OF CONSPIRACY TO DISTRIBUTE COCAINE WITHOUT CO-DEFENDANTS, THE OFFENSE AS CHARGED CARRIES A MAXIMUM SENTENCE OF 20 YEARS SEE 21 U.S.C. 841 (B)(1)(C). SEE ALSO DKT 1 AT P.1. ON August 4, 2016 MR. NEAL ENTERED A GUILTY PLEA TO COUNT(1) OF THE INDICTMENT, SEE CRIM. DKT 56. ON SEPTEMBER 19, 2017. THE DISTRICT COURT SENTENCED MR. NEAL TO 360 MONTHS OF INCARCERATION PURSUANT TO AN ILLEGAL-851- ENHANCEMENT. SEE CRIM. DKT 154 172 173. NONE OF MR. NEALS COUNSELS CHALLENGED THE 851 ENHANCEMENT. ON DIRECT APPEAL THE SEVENTH CIRCUIT COURT AFFIRMED THE CONVICTION AND SENTENCE NEAL, 907 F 3d 511 (7th Cir. 2018). MR. NEAL REPRESENTING HIMSELF PROSE FILED A TIMELY MOTION UNDER 28 U.S.C 2255 TO SET ASIDE HIS CONVICTION AND SENTENCE IN THREE GROUNDS FOR RELIEF. PETITIONER NEAL PRESENTED THAT HE RECEIVED INEFFECTIVE ASSISTANCE OF COUNSEL RELATING TO THE 851 NOTICE OF PRIOR FELONY CONVICTION BECAUSE HIS ATTORNEY FAILED TO CHALLENGE THE ILLEGAL ENHANCEMENT AT ALL STAGES OF PRIOR PROCEEDINGS PRE TRIAL, CHANGE OF PLEA, SENTENCING AND DIRECT APPEAL. THE MOTION ALSO CLAIMED THAT THE DISTRICT COURT ERRED BY ACCEPTING MR. NEALS GUILTY PLEA AND BY SENTENCING MR. NEAL TO AN ILLEGAL AND UNCONSTITUTIONAL 360 MONTHS SENTENCE OF IMPRISONMENT, WHICH THE ILLINOIS PRIOR COCAINE CONVICTION WAS NOT A QUALIFYING OFFENSE EVEN BEFORE PETITIONER NEALS CHANGE OF PLEA HEARING ON AUGUST 4, 2016. THE ILLINOIS DEFINITION OF COCAINE CONVICTION MUST MATCH THE DEFINITION FOR FELONY DRUG OFFENSE OR SERIOUS DRUG OFFENSE UNDER 21 U.S.C. 802(44). FEDERAL LAW TO EVEN QUALIFY FOR 851- ENHANCEMENT. MATHIS V. UNITED STATES, 579 U.S. 500 (2016). THE SEVENTH CIRCUIT GRANTED CERTIFICATE OF APPELLABILITY FOR ALL GROUNDS. THEN AFFIRMED. SAYING BECAUSE MR. NEAL DID NOT SIGN A PLEA AGREEMENT AND WAS NOT FACING A MANDATORY LIFE SENTENCE HIS COUNSEL WAS NOT INEFFECTIVE FOR A MATHIS CLAIM.

## REASONS FOR GRANTING THE PETITION

My sentence is illegal and unconstitutional under indictment as charged 21 U.S.C. 841(B)(1)(C). Without the illegal sentence my maximum is 20 years. A illegal prior enhancement is illegal even I'm not facing a life sentence. I have all of my appeal rights. The district court and seventh circuit courts are in the trenches with their circuit precedent. When it come to the Illinois prior convictions for enhancement use. The seventh circuit say Ruth is not retroactive to the petitioner. But Mathis is retroactive to petitioner as petitioner was sentenced 15 months after the supreme court decided Mathis. The third circuit are granting Mathis-2255 claims. My case is identical to the Coleman case. And Simon case' SEE United States v. Simon, No. 2:16-cr-20077-SLD-JEH, 2024 WL 399803 (C.D. ILL. Feb 2, 2024) SEE SAMAS V. UNITED STATES, No. 3:10-cv-422, 2011 WL 221866, 2014 (D. Conn. JAN 20, 2011) SEE DESCAMPS V. UNITED STATES, 570 U.S. 254, 257-58 (2013) SEE UNITED STATES V. TURNER, 55 F.4th 1135 (7th Cir. 2022). United States v. Chaires, 88 F.4th 172 (2d Cir. 2023) PETITIONER CASE IS LIKE ERLINGER V. UNITED STATES, 602 U.S. 821, 825, 837-35 144 S. Ct 1840, 219 L. Ed 2d 451 (2024) IN ASPECTS REGARDING FELONY DRUG OFFENSE/SERIOUS DRUG OFFENSES. AS NO JURY WOULD FIND ME GUILTY FOR ILLINOIS COCAINE OFFENSE AS PRIOR ENHANCEMENT SEE ALLEYERE V. UNITED STATES, 570 U.S. 99, 113 133 S. Ct. 2151, 186 L. Ed 2d. 314 (2013). PETITIONER ATTORNEY GAVE ERRONEOUS AS TO MY SENTENCING EXPOSURE. United States v. Brown (No 22-7105) (4th Cir May 2025). ALSO TO SUPERB ED INDILT PETITIONER NEAL THE GOVERNMENT NEEDS AT LEAST 500 grams OF POWDER COCAINE WHICH THE GOVERNMENT DO NOT HAVE.

**CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Tu n

Date: 1-5-2026