

25-7052
No. _____

FILED
DEC 29 2025
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

JORGE PETTER,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

**PETITION FOR WRIT OF CERTIORARI
FROM THE FOURTH CIRCUIT COURT OF APPEALS**

Mr. Jorge Petter # 26624-083
FCI-Memphis/ P.O. Box 34550
Memphis, TN. 38184

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QUESTION(S) PRESENTED

QUESTON NUMBER ONE:

Whether the Fourth Circuit and the district court abused its discretion by failing to hold those extraordinary and compelling reasons existed to qualify him for a reduced federal sentence, thus, the Honorable U.S. Supreme Court should VACATE and REMAND for reconsideration in the case herein.

QUESTION NUMBER TWO:

Whether the Fourth Circuit and the district court abused its discretion by failing to hold that Section 3553 (a) factors did not weigh in favor of a reduced federal sentence, thus, the Honorable U.S. Supreme Court should VACATE and REMAND for reconsideration in the case at bar.

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:

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**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is unpublished.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 _____; 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is unpublished.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[] is unpublished.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

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was September 30, 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:

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) in Application No. ____ A_____.

The jurisdiction of the Court is invoked under 28 U.S.C. 1254 (1).

For cases from **state courts**:

The date in 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

PAGE NUMBER

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STATEMENT OF THE CASE

On September 26, 2024, Mr. Petter filed his pro se Emergency Motion for Reduction in Sentence (R. 371), and the Government filed their Response Brief on December 06, 2024 (R. 379). A Reply Brief was submitted in mid-December of 2024, in which concluded the briefing schedule. On April 07, 2025, the district court denied his Emergency Motion for Reduction in Sentence (R. 382). A timely Notice of Appeal was filed and on September 30, 2025, the Fourth Circuit Court of Appeals affirmed the district court's decision within a two-page Opinion (R. 9).

Petitioner Petter asserts that he now petitions this Honorable U.S. Supreme Court to **GRANT** his Pro Se Petition for a Writ of Certiorari, thus, issue a GVR Decision or any other relief deemed warranted in the case at bar.

REASONS FOR GRANTING THE PETITION

Petitioner Petter acknowledges that a review on a writ of certiorari is not a matter of right, but of judicial discretion. A petition for a writ of certiorari will be granted by this court only for compelling reasons, see Supreme Court Rule 10. Mr. Petter filed his Emergency Motion for Reduction in Sentence pursuant to 18 U.S.C. 3582 (c) (1) (B) (i).

In the instant case, Petitioner Petter respectfully requests that this Court **GRANT** his pro se Petition for a Writ of Certiorari as to Questions Number One and Two as relevant to question # 1, Jorge Petter argues that the district court abused its discretion by failing to hold that extraordinary and compelling reasons existed to qualify him for a reduced federal sentence and the Fourth Circuit's affirmance of the district court's decision. Regarding question 2, Jorge Petter argues that the district court by holding that the Section 3553 (a) factors did not weigh in favor of a reduced federal sentence and the Fourth Circuit's affirmance of the district court's decision in which should compel this Honorable U.S. Supreme Court to grant a GVR in the case herein.

QUESTION NUMBER ONE:

Whether the Fourth Circuit and the district court abused its discretion by failing to hold those extraordinary and compelling reasons existed to qualify him for a reduced federal sentence, thus, the Honorable U.S. Supreme Court should VACATE and REMAND for reconsideration in the case herein.

Discussion

In the instant case, Petitioner Petter contends that the district court denied his motion for reduction in sentence (R. 382), and the district court held in relevant part as follows:

ORDER

B. Petitioner's Compassionate Release Request

The Court now addresses whether Petitioner has set forth extraordinary and compelling reasons to modify his sentence. Petitioner raised seven arguments in support of his motion: (1) he did not receive points for acceptance of responsibility; (2) there is a national sentencing disparity; (3) incarceration during the COVID-19 pandemic; (4) a change in the Department of Justice policy; (5) sentencing disparity amongst co-defendants; (6) rehabilitation; and (7) 3553 (a) factors warrant compassionate release. Petr's Mot. at 4. Therefore, Petitioner asks the court to reduce his sentence to time served or twenty (20) years of imprisonment. Id. at 28. **The Court will address each argument separately.**

vi. Rehabilitation

Petitioner argues that his rehabilitation efforts support compassionate release. Petitioner asserts that he has maintained a clear disciplinary record except for three misconduct reports and completed several educational and vocational courses. Petr's Mot. at 18. While the Court commends Petitioner's rehabilitation efforts, his rehabilitation efforts are not extraordinary and compelling to earn a sentence reduction. See U.S.S.G. 1B1.13 (d); *United States v. Peoples*, 41 F.3d 837, 842 (7th Cir. 2022) ("rehabilitation 'cannot

serve as a stand-alone' for compassionate release.'"). Thus, Petitioner has not established his rehabilitation efforts to justify compassionate release. See Appendix B.

Although the district court considered each factor presented to demonstrate "extraordinary and compelling reasons" it failed to consider **all** the factors presented and his meritorious post-rehabilitation efforts in collectively to amount to "extraordinary and compelling reasons" to qualify him for a reduced federal sentence in which amounts to an abuse of discretion in the case herein. See *Lovelace v. United States*, 2023 U.S. Dist. LEXIS 230249, 2023 WL 9002690, at *14 (D.S.C. Dec. 28, 2023) (Lovelace advances three arguments for establishing "extraordinary and compelling reasons." They are (1) the substantial completion of his sentence, (2) his youth at the time of the offense, and (3) his rehabilitation while incarcerated. Individually, these arguments do not constitute an "extraordinary and compelling reason," however, they can be considered collectively.... The Court found that the three factors amounted to "extraordinary and compelling reasons" for his release); *United States v. Owens*, 996 F.3d 755, 763 (6th Cir. 2021) (the combination of his rehabilitation efforts and gross disparity may justify a REDUCED sentence. VACATED and REMANDED for reconsideration); *United States v. Vaughn*, 62 F.4th 1071, 1073 (7th

Cir. 2023) (The Seventh Circuit acknowledged that “a combination of factors may move any given prisoner past “the threshold for relief, even if one factor alone does not.”); and *United States v. Roper*, 72 F.4th 1097, 1103-1104 (9th Cir. 2023) (the Ninth Circuit held that: “a combination of factors may move any given prisoner past [the threshold for relief] even if one factor alone does not.”). Furthermore, Section 1B1.13 (d), makes clear that a meritorious post-rehabilitation efforts contributes to the finding of an extraordinary and compelling reasons. See *United States v. Kindle*, ____ F. Supp. 3d ____, 2024 U.S. Dist. LEXIS 48763, at *9-10 (N.D. Ill., Feb. 23, 2024) (the court granted compassionate release motion and held that: “Such rehabilitation certainly contributes to the finding of an extraordinary and compelling reason to reduce Kindle’s sentence.”).

The U.S. Supreme Court **GRANTED** a Petition for Writ of Certiorari on May 27, 2025, as to the question: “Whether a combination of extraordinary and compelling reasons that may warrant a discretionary sentence reduction under 18 U.S.C. 3582 (c) (1) (A) can include reasons that may also be alleged as grounds for vacatur of a sentence under 28 U.S.C. 2255.” *Fernandez v. United States*, No. 24-556 (May 27, 2025). If this Court rules in favor of Mr. Fernandez, thus, this Honorable U.S. Supreme Court should **GRANT** a GVR in light of the Fernandez Ruling.

Petitioner Petter, argues firmly that the district court committed an error of law in which amounts to an abuse of discretion, thus, justifies VACATING and REMANDING for reconsideration in the case herein. See United States v. Lipscomb, 299 F.3d 303, 338-39 (5th Cir. 2002) (A court abuses its discretion when the court “makes an error of law” or “bases its discretion on a clearly erroneous assessment of the evidence.”).

QUESTION NUMBER TWO:

Whether the Fourth Circuit and the district court abused its discretion by failing to hold that Section 3553 (a) factors did not weigh in favor of a reduced federal sentence, thus, the Honorable U.S. Supreme Court should VACATE and REMAND for reconsideration in the case at bar.

Discussion

First, Petitioner Petter asserts that the district court abused its discretion by failing to consider **all** relevant Section 3553 (a) factors as required by Fourth, Fifth, and Sixth Circuit precedents. See United States v. Jones, 980 F.3d 1098, 1101 (6th Cir. 2020) (Third, if the court determines that the defendant has demonstrated extraordinary and compelling reasons, it must also consider **all relevant** sentencing factors under 18 U.S.C. 3553 (a) to determine whether a sentence

reduction is warranted.); *United States v. Robinson*, 542 F.3d 1045, 1049, 1052 (5th Cir. 2008) (same); and *United States v. Mangarella*, 57 F.4th 197, 200 (4th Cir. 2023) (must consider all applicable Section 3553 (a) factors).

Thus, Mr. Petter contends that as the result of the district court considering Section 3553 (a) factors it was obligated to consider **all relevant** Section 3553 (a) factors but although the district court states that it considered all Section 3553 (a) factors it failed to do so upon the record, and it only appears the district court considered “would not reflect the seriousness of his conduct, promote respect for the law, provide just punishment, or afford adequate deterrence to criminal conduct.” See Appendix B, at PageID # 982-983.

Mr. Petter, argues firmly that this Court consistent with the Denial Order as the record reflects that the district court merely relied upon the Section 3553 factors “seriousness of the offense(s)” of conviction, “promote respect for the law,” and “provide just punishment.” However, the district court failed altogether to consider upon the record that the other critical 18 U.S.C. 3553 (a) factors as follows:

(1) Mr. Petter’s meritorious post-rehabilitation efforts consistent with U.S. Supreme Court precedents impacts consideration of 18 U.S.C. 3553 (a) (2) (B) “to afford adequate deterrence to criminal

conduct”

(2) Mr. Petter’s meritorious post-rehabilitation efforts consistent with U.S. Supreme Court precedents impacts consideration of 18 U.S.C. 3553 (a) (2) (C) “to protect the public from further crimes of the defendant. The U.S. Sentencing Commission Recidivism Study reveals that Mr. Petter at 56 years old has a 4.9 % chance at reoffending at such age of release.

(3) The kinds of sentence available, thus, consistent with Section 3553 (a) (3) and (a) (4) based upon the Changes in Law; DOJ Policy; Harsh Confinement through COVID-19 Pandemic should be considered

(4) The need to avoid unwarranted sentencing disparities consistent with Section 3553 (a) (6), among co-defendants and national disparity is also relevant to be considered pursuant to 18 U.S.C. 3553 (a) (6).

See *United States v. Malone*, 57 F.4th 167, 176 (4th Cir. 2023) (The Fourth Circuit held that: “When assessing the Section 3553 (a) factors that Due to these circumstances, his potential for recidivism is low to none and he does not pose a threat to others or the community at large.” The Appellate Court vacated and remanded with instructions to grant Malone’s motion for compassionate release.).

Petitioner Petter, argues that Section 3553 (a) factors weigh in favor of a reduced federal sentence when **all relevant** Section 3553 (a) factors are properly considered as required by applicable case law, thus, an abuse of discretion occurred in which requires the U.S. Supreme Court to **VACATE** and **REMAND** for reconsideration of all the relevant Section 3553 (a) factors in the case herein. See *Rita v. United States*, 551 U.S. 338, 348 (2007).

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

George Petter

Date: 12/29/2025