

No. **26 - 5591 ORIGINAL**

Supreme Court, U.S.
FILED

JUL 20 2026

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Edwin Giovanni Salinas — 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 Eight Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Edwin Giovanni Salinas

(Your Name) Federal Correctional Complex-
Coleman-Medium
P.O.Box 1032

(Address)

Coleman, Florida 33521- 1032

(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

In reviewing whether a sentence is reasonable, a court must first ensure that the district court did not commit a significant procedural error such as ... "failing to adequately explain the chosen sentence" See *Gall V United States*, 552 U.S. 38(2007). If an obstruction of justice enhancement is supported sufficiently by the preponderance of the evidence, to what extent, by considering uncertain facts such as hearsay, complies with Gall to adequately explain the chosen sentence?

LIST OF PARTIES

A list of all parties to the proceeding in the court whose judgment is the subject of this petition is provided below. If a party is a corporation with a stock ticker symbol, that symbol is also included.

Edwin Giovanni Salinas- Petitioner

United States of America- Respondent

RELATED CASES

United States of America V. Edwin Giovanni Salinas 23-cr-10008
(United States District Court for the District of South Dakota)

United States of America V. Salinas, No. 23-3594 (United States
Court of Appeals For the Eight Circuit)

United States of America V. Salinas, No. 25-2916 (United States
Court of Appeals For The Eight Circuit).

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STATUTES AND RULES

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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 - 1 to the petition and is (13206)

☒ reported at U.S. v Salinas, 2026 U.S. App LEXIS; or, March 19, 2026

☐ 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☐ is unpublished.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 May 7, 2026.

☒ 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

Gall v. United States, 552 U.S. 38 (2007) is about procedural error at sentencing by applying sentencing enhancement under Obstruction of Justice provision of the U.S.S.G. 3C1.1.

STATEMENT OF THE CASE

On November 26, 2022, law enforcement officers stopped Berta Gonzales for speeding. The Defendant-Petitioner in this case, Edwin Salinas, was riding with her. After Gonzales pulled over, the officers asked her name, and she gave them a false one. When they discovered this, they arrested her and called a tow truck, since Salinas (the Petitioner) had his driver's license was revoked.

While the officers waited for the tow truck, they conducted an inventory search of Gonzales's car and discovered a backpack containing approximately 16 pounds of fentanyl.

A grand jury indicted the Gonzales and the Petitioner for conspiracy to distribute a controlled substance. Gonzales entered a written plea agreement by which she pled guilty pursuant to a cooperation agreement. The Petitioner proceeded to trial and Gonzales testified against the Petitioner. During her testimony, she also testified that she "should have never pointed that backpack toward him" (the Petitioner).

The jury found the Petitioner guilty of both counts, and the district court sentenced him to 365 months of imprisonment after the 8th Circuit vacated a life sentence because incorrectly calculated the Guideline range.

On appeals, the 8th Circuit rejected the obstruction of jus-

tice enhancement based on the testimony of the statement that
Gonzales "should have never pointed that backpack toward him".

REASONS FOR GRANTING THE PETITION

The evidence presented to the sentencing judge on the obstruction of justice issue came from a sentencing hearing testimony of a witness stating that she was receiving threatening calls while the trial was being conducted. Said obstruction of justice consideration pursuant to 3C1.1 of U.S.S.G. shall not have been considered under the preponderance of evidence standard since it was based on unreliable uncorroborated hearsay.

How could it be possible that it was sufficient reliable evidence to support a finding of obstruction of justice under 3C1.1, when such enhancement requires the defendant (Petitioner) "Consciously act with the purpose of obstructing justice?"

In the present case, the district judge relied solely upon report of the probation officer based on hearsay, uncorroborated information about a caller, which was considered by the sentencing judge at sentencing. The appeals court should have found the evidence presented unreliable and remand for a further hearing on whether the facts of the call constituted obstruction of justice under U.S.S.G. § 3C1.1.

By failure to adequately explain its use of a two level sentencing enhancement of obstruction of justice under U.S.S.G. § 3C1.1 is a "procedural error" within *Gall V. United States*, 552 U.S. 38 (2007): "failing to adequately explain the chosen sentence"

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Edwin Salinas

Date: — September 1, 2026 —