

No.

In the Supreme Court of the United States

JASON TYWANN BELL, PETITIONER,

v.

JOHN GILLEY, WARDEN OF USP LEE, RESPONDENT

*ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT*

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Petitioner challenged the legality of his 2003 federal sentence under 28 U.S.C. § 2241, arguing that it was unconstitutionally enhanced under the residual clause of the then-mandatory career offender Guideline—a provision materially indistinguishable from the residual clause this Court held unconstitutionally vague in *Johnson v. United States*, 576 U.S. 591 (2015).

The court of appeals rejected petitioner’s challenge, holding that this Court’s intervening decision in *Jones v. Hendrix*, 599 U.S. 465 (2023)—which held that § 2255(e)’s saving clause does not allow resort to § 2241 to raise claims based on intervening statutory-interpretation decisions—forecloses relief even for constitutional challenges. The court of appeals held further that this result raises no Suspension Clause problem, even where, as here, a federal prisoner is left with no forum in which to raise a constitutional challenge to his plainly unconstitutional sentence.

Approximately three weeks after the court of appeals issued its mandate, petitioner finished serving his term of supervised release, completing his entire challenged sentence and mooting the case before he could seek this Court’s review.

The question presented is:

Whether, pursuant to *United States v. Munsingwear, Inc.*, 340 U.S. 36 (1950), this Court should vacate the court of appeals’ judgment and remand with instructions to dismiss the case as moot.

PARTIES TO THE PROCEEDING

Petitioner Jason Tywann Bell was the Petitioner-Appellant below.

Respondent John Gilley,¹ Warden of USP Lee, was the Respondent-Appellee below.

¹ While the case was pending before the court of appeals, the warden of USP Lee was J. C. Streeval.

RELATED PROCEEDINGS

United States District Court (W.D. Va.):

Bell v. Streeval, No. 7:21-cv-00094-EKD-JCH (Feb. 3, 2022) (dismissing petition for a writ of habeas corpus)

United States Court of Appeals (4th Cir.):

Bell v. Streeval, No. 22-6189 (Aug. 6, 2025) (affirming dismissal of § 2241 petition)

Bell v. Streeval, No. 22-6189 (Oct. 28, 2025) (denying petition for rehearing en banc)

Supreme Court of the United States (U.S.):

Bell v. Streeval, No. 25A813 (Jan. 14, 2026) (granting application for extension of time to file petition for a writ of certiorari)

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PETITION FOR A WRIT OF CERTIORARI

OPINIONS BELOW

The opinion of the United States Court of Appeals for the Fourth Circuit (App. 1a-43a) is reported at 147 F.4th 452. The decision of the United States District Court for the Western District of Virginia (App. 44a-60a) is unreported but available at 2022 WL 329229.

JURISDICTION

The judgment of the court of appeals was entered on August 6, 2025. App. 1a. The court of appeals denied a timely petition for rehearing en banc on October 28, 2025 (App. 61a) and a motion to stay the mandate on November 20, 2025. The Chief Justice extended the time to file a petition for certiorari to March 27, 2026. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

STATUTORY PROVISIONS INVOLVED

Relevant statutory provisions are reproduced in the Appendix (App. 62a-64a).

STATEMENT OF THE CASE

I. BELL'S CONVICTION AND SENTENCE

In 2003, petitioner Jason Tywann Bell pleaded guilty to attempted bank robbery in violation of 18 U.S.C. § 2113(a), and carrying and using a firearm during and in relation to a crime of violence in violation of 18 U.S.C. § 924(c)(1)(A). App. 4a. The district court determined that Bell was a career offender under U.S.S.G. § 4B1.1 based on two prior convictions and calculated a mandatory Guidelines range of 262 to 327 months, including the 84-month mandatory consecutive sentence on the § 924(c) count. App. 4a, 47a. Bound by the then-mandatory Guidelines, the district court sentenced Bell to 274 months of imprisonment followed by five years of supervised release. App. 4a.

Without the career offender designation, Bell's Guidelines range would have been 176 to 199 months, including the 84-month mandatory consecutive sentence for his firearm offense. Bell served 248 months—more than twenty years—in federal prison.

II. POSTCONVICTION PROCEEDINGS

Nearly twelve years after Bell was sentenced, this Court held in *Johnson v. United States*, 576 U.S. 591 (2015), that the Armed Career Criminal Act's residual clause was unconstitutionally vague. Bell then sought collateral relief under 28 U.S.C. § 2255, arguing that his sentence likewise had been unconstitutionally enhanced—in his case, under the identical residual clause in the then-mandatory Sentencing Guidelines. App. 48a-49a.

The district court dismissed Bell's challenge as untimely based on Fourth Circuit precedent holding that *Johnson* did not recognize the specific right necessary to reopen a mandatory-Guidelines sentence via § 2255. App. 49a. That ruling implicated an acknowledged and continuing division among the courts of appeals over whether *Johnson* applies to the identical residual clause in the pre-*Booker* mandatory Guidelines for purposes of § 2255. *See, e.g., United States v. Arrington*, 4 F.4th 162, 171 (D.C. Cir. 2021) (recognizing split).

Bell accordingly filed a petition under 28 U.S.C. § 2241, invoking § 2255(e)'s saving clause and arguing that § 2255 was inadequate or ineffective to test the legality of his detention and that denying his claim would raise Suspension Clause concerns by depriving him of any meaningful opportunity for review. Dist. Ct. Doc. 1, at 2-9; Dist. Ct. Doc. 34, at 3-8.

On February 3, 2022, the district court dismissed the petition as untimely under § 2255(f)(3). App. 60a. The court concluded that Bell could not satisfy the second

prong of the Fourth Circuit’s then-test for proceeding under the saving clause because neither this Court nor the Fourth Circuit had yet held that the residual clause in the mandatory career-offender Guideline was unconstitutional. App. 58a-59a. Bell timely appealed on February 15, 2022.¹

III. PROCEEDINGS BELOW

While the appeal was pending, this Court decided *Jones v. Hendrix*, 599 U.S. 465 (2023), holding that “§ 2255(e)’s saving clause does not permit a prisoner asserting an intervening change in statutory interpretation” to challenge his conviction and/or sentence via a § 2241 habeas petition. *Id.* at 471.

Also while the appeal was pending, on June 25, 2024, Bell was released from federal prison and began serving his term of supervised release. The court of appeals thus directed supplemental briefing on mootness. Bell argued that the appeal remained live because he continued to serve his term of supervised release and could still obtain meaningful relief in the form of a shorter period of supervision if he prevailed. C.A. Supp. Br. at 4-6. The government argued that the case was already moot given Bell’s release from prison, notwithstanding the ongoing term of supervised release. Gov’t C.A. Supp. Br. at 5-10.

¹ In separate postconviction proceedings, Bell obtained relief from his § 924(c) conviction pursuant to this Court’s decision in *United States v. Taylor*, 596 U.S. 845 (2022). The sentencing court vacated the consecutive 84-month sentence associated with that count and reduced Bell’s total sentence to 190 months’ imprisonment followed by three years of supervised release. Order and Judgment at 2-3, *United States v. Bell*, No. 1:03-CR-46-1 (M.D.N.C. July 17, 2024), ECF 147. Because Bell at that point had already completed the longer, originally imposed custodial portion of his sentence, he over-served his sentence by approximately 2,422 days—nearly seven years. App. 67a.

The court of appeals held argument on September 26, 2024. On August 6, 2025, nearly three years after the parties finished briefing the appeal, the court issued its decision, affirming the district court's judgment. The court first rejected the government's mootness argument, holding that the appeal remained live while Bell was on supervised release because a successful challenge could result in a shorter term of supervision. App. 8a-10a. On the merits, the court held that after *Jones*, § 2255(e) does not permit a federal prisoner to proceed under § 2241 even where the prisoner asserts a constitutional challenge to his sentence that cannot be raised in a second or successive § 2255 motion. App. 13a-19a.

The court held further that this result does not violate the Suspension Clause, App. 23a-28a, but the panel divided as to the reasoning for rejecting Bell's Suspension Clause argument. The majority reasoned that Bell's argument was foreclosed by Fourth Circuit precedent, *In re Vial*, 115 F.3d 1192 (4th Cir. 1997) (en banc), "which held that 'the limitations imposed on second and successive § 2255 motions by [§ 2255(h)] do not constitute a suspension of the writ.'" App. 23a (alteration in original) (quoting *Vial*, 115 F.3d at 1198). Judge Richardson, by contrast, expressed the view that the Fourth Circuit's reasoning in *Vial* was inconsistent with *Jones*, "so that prior decision can no longer be applied." App. 42a (Richardson, J., concurring in the judgment with respect to Part II(C)). Instead, reading *Jones* to hold that the Suspension Clause protects only habeas claims cognizable at the Founding, and that those were limited to claims asserting "jurisdictional defects," Judge Richardson concluded that Bell's claim was not such a claim. App. 30a, 34a-36a (Richardson, J., concurring in the judgment with respect to Part II(C)).

The court of appeals denied rehearing en banc on October 28, 2025. App. 61a. Bell promptly moved the court

to stay the mandate on account of the then-imminent expiration of his term of supervised release, “seek[ing] to preserve [the court of appeals]’ ability to grant appropriate relief—including *Munsingwear* vacatur—without the need to issue and then recall the mandate in a matter that will likely be moot within weeks.” C.A. Doc. 65, at 2. On November 20, 2025, the court denied Bell’s motion to stay the mandate, C.A. Doc. 67, and the mandate issued on December 1, C.A. Doc. 68.

IV. EXPIRATION OF SUPERVISED RELEASE

While his appeal was pending, Bell moved *pro se* in the sentencing court for early termination of supervised release, citing the significant time he had overserved on his § 924(c) count, which the sentencing court vacated a year prior. Motion for Early Termination of Supervision at 1, *United States v. Bell*, No. 1:03-CR-46-1 (M.D.N.C. June 5, 2025), ECF 153; Supp. Br. to Motion for Early Termination of Supervision at 1-2, *United States v. Bell*, No. 1:03-CR-46-1 (M.D.N.C. June 20, 2025), ECF 155; *see also supra* note 1. The government “[a]gree[d] with the assessment of potential eligibility for early termination of supervision and recommend[ed] that the Court termination [sic] supervision.” Gov’t Response to Motion for Early Termination of Supervision at 1, *United States v. Bell*, No. 1:03-CR-46-1 (M.D.N.C. July 1, 2025), ECF 156. On July 11, 2025, the sentencing court granted the motion in part and reduced Bell’s term of supervised release to eighteen months, citing Bell’s progress and the “unique circumstance[s]” of his case. App. 67a.

Bell completed that reduced term of supervised release on December 24, 2025, App. 68a-69a, approximately three weeks after the court of appeals issued its mandate. He thereby finished serving his entire sentence.

REASONS FOR GRANTING THE PETITION

This case became moot during the appellate process. Bell completed his term of supervised release after the court of appeals entered judgment but before he could seek this Court's review. At that point, no component of the challenged sentence remained in effect, and no effectual relief could be granted. The case therefore no longer presents a live controversy under Article III.

Under this Court's established practice, the appropriate disposition is vacatur under *Munsingwear*. Where mootness arises through circumstances not attributable to the petitioner, the judgment below should be vacated to prevent an unreviewable decision from producing legal consequences. That is precisely the situation here. Bell diligently pursued review, but the case became moot through happenstance—as a result of the timing of the appellate process and the expiration of his court-imposed sentence.

Vacatur is especially appropriate because the decision below addresses an important and difficult question concerning the scope of federal habeas review and the Suspension Clause after *Jones v. Hendrix*. Leaving the decision below in place without the opportunity for this Court's review would allow it to “spawn[] legal consequences” on an issue of continuing significance. *United States v. Munsingwear, Inc.*, 340 U.S. 36, 41 (1950). *Munsingwear* vacatur would avoid that inequitable result.

I. THIS APPEAL IS MOOT

Under Article III, the jurisdiction of the federal courts is limited to the resolution of actual “Cases” or “Controversies.” U.S. Const. art. III, § 2, cl. 1. “To qualify as a case fit for federal-court adjudication, ‘an actual controversy must be extant at all stages of review[.]’” *Arizonans for Off. Eng. v. Arizona*, 520 U.S. 43, 67 (1997)

(quoting *Preiser v. Newkirk*, 422 U.S. 395, 401 (1975)). “A case that becomes moot at any point during the proceedings is ‘no longer a “Case” or “Controversy” for purposes of Article III,’ and is outside the jurisdiction of the federal courts.” *United States v. Sanchez-Gomez*, 584 U.S. 381, 385-86 (2018) (quoting *Already, LLC v. Nike, Inc.*, 568 U.S. 85, 91 (2013)).

A case or appeal becomes moot “when the issues presented are no longer ‘live’ or the parties lack a legally cognizable interest in the outcome.” *Already, LLC v. Nike, Inc.*, 568 U.S. 85, 91 (2013) (quoting *Murphy v. Hunt*, 455 U.S. 478, 481 (1982) (per curiam)). “No matter how vehemently the parties continue to dispute the lawfulness of the conduct that precipitated the lawsuit, the case is moot if the dispute ‘is no longer embedded in any actual controversy about the plaintiffs’ particular legal rights.’” *Id.* (quoting *Alvarez v. Smith*, 558 U.S. 87, 93 (2009)).

Under those principles, this appeal became moot when Bell finished serving his term of supervised release. At the time the court of appeals entered judgment on August 6, 2025, Bell was still on supervised release. The appeal therefore remained live. App. 8a-10a. But Bell’s supervised release ended on December 24, 2025. App. 68a. With the final component of the challenged sentence expired, there is no longer any sentence left to shorten or vacate, such that no effectual relief remains available in this case. And this is not the kind of case where a decision in Bell’s favor would alter “collateral legal consequences” for Bell. *Lane v. Williams*, 455 U.S. 624, 632 (1982) (quoting *Sibron v. New York*, 392 U.S. 40, 57 (1968)); see *United States v. Juv. Male*, 564 U.S. 932, 936 (2011) (“When the defendant challenges his underlying conviction, this Court’s cases have long presumed the existence of collateral consequences. But when a defendant challenges only an expired sentence, no such

presumption applies[.]” (citations omitted)). Reversing the court of appeals’ judgment would do nothing to benefit Bell. He therefore no longer has any legally cognizable interest in the outcome of this case.

The government could not plausibly dispute mootness now. The government argued below that the appeal became moot upon Bell’s release from federal prison, supervised release notwithstanding. Gov’t C.A. Supp. Br. at 5-10. If the case was moot then (it was not), it is certainly moot now.

II. THE EQUITIES FAVOR VACATUR

Vacatur is the “normal” course when a party is prevented from obtaining review by circumstances beyond its control—here, the expiration of Bell’s supervised release. *See Camreta v. Greene*, 563 U.S. 692, 712-13 (2011). Leaving the decision below on the books would “spawn[] legal consequences,” *Munsingwear*, 340 U.S. at 41—here, foreclosing any forum for similarly situated federal prisoners in the Fourth Circuit to test constitutional sentencing errors—a practical harm this Court avoids through vacatur, *id.*

The determination whether to vacate a judgment when a case becomes moot while pending review “is an equitable one.” *U.S. Bancorp Mortg. Co. v. Bonner Mall P’ship*, 513 U.S. 18, 29 (1994). It requires the disposition that would be “most consonant to justice” in light of the circumstances. *Id.* at 24. The equities here favor vacatur.

1. Vacatur is warranted here because this case became moot through happenstance, not through any voluntary action by petitioner. Under *Munsingwear*, the “principal condition” to which the Court has looked is “whether the party seeking relief from the judgment below caused the mootness by voluntary action.” *Bancorp*, 513 U.S. at 24. Where mootness arises “through happenstance,” *Munsingwear*, 340 U.S. at 40, “vacatur

must be decreed,” *Bancorp*, 513 U.S. at 23. That is because “[a] party who seeks review of the merits of an adverse ruling, but is frustrated by the vagaries of circumstance, ought not in fairness be forced to acquiesce in the judgment.” *Id.* at 25. This Court thus routinely grants *Munsingwear* vacatur, even summarily, when intervening events moot a case after judgment below. *See, e.g., Slatery v. Adams & Boyle*, 141 S. Ct. 1262 (2021) (challenged executive order expired by its own terms before this Court’s review); *Kendall v. Doster*, 144 S. Ct. 481 (2023) (Congress required rescission of the challenged military vaccination mandate, and the Secretary rescinded it); *Biden v. Feds for Med. Freedom*, 144 S. Ct. 480 (2023) (Executive Branch rescinded the challenged federal-employee vaccination mandate); *Tennessee v. Kennedy*, 2026 WL 135717 (U.S. Jan. 20, 2026) (HHS restored Tennessee’s Title X funding and declined to enforce the challenged counseling and referral requirements against the state); *Beers v. Barr*, 590 U.S. 940 (2020) (ATF approved Pennsylvania’s relief-from-disabilities program, allowing plaintiff to obtain restoration of his firearm rights); *Wells Fargo & Co. v. City of Miami*, 589 U.S. 1249 (2020) (plaintiff voluntarily dismissed its claims with prejudice following intervening district-court ruling narrowing the case).

Here, mootness arose through precisely the kind of circumstances that warrant vacatur. Bell’s term of supervised release expired before he could obtain review in this Court—specifically, less than two months after the court of appeals denied rehearing en banc. App. 61a, 68a. The expiration of that court-ordered term eliminated any remaining live controversy concerning the lawfulness of Bell’s sentence. That result was not attributable to any voluntary action by Bell, but instead to happenstance. The case became moot after a prolonged appellate process, including extended intervals between the completion of

briefing, oral argument, and decision in the court of appeals.

2. Vacatur is even more warranted here because the decision is “legally consequential,” *Camreta*, 563 U.S. at 713, and one that would have been worthy of further review absent mootness.

The court of appeals resolved an important and unsettled question concerning the scope of federal habeas review and the Suspension Clause after *Jones*: whether a federal prisoner may invoke § 2241 through § 2255(e)’s saving clause to raise a constitutional challenge to his sentence even when no second or successive § 2255 motion is available. The court of appeals held that the unavailability of any avenue for relief—leaving a federal prisoner with no forum in which to challenge the constitutionality of his sentence—does not violate the Suspension Clause. App. 28a.

The panel itself divided over how *Jones* bears on that constitutional question. All members of the panel agreed that, under *Jones*, Bell cannot satisfy § 2255(h) and therefore “cannot bring [his claim] at all.” App. 17a (quoting *Jones*, 599 U.S. at 480). But the panel fractured as to the constitutional implications of that conclusion. The majority declined to read *Jones* as resolving the scope of the Suspension Clause and relied instead on circuit precedent to reject Bell’s Suspension Clause argument. App. 28a. Judge Richardson, by contrast, concluded that *Jones* itself governs the Suspension Clause inquiry. App. 29a (Richardson, J., concurring in the judgment with respect to Part II(C)). That division underscores the difficulty and importance of the question presented on appeal—and the inequity of leaving the resulting unreviewable decision in place to “spawn[] legal consequences,” *Munsingwear*, 340 U.S. at 41.

Absent mootness, the decision would have warranted this Court’s review. The ruling below leaves certain

federal prisoners with no forum to press a constitutional sentencing challenge—a result that implicates not only the scope of the Suspension Clause but also the uniform administration of federal post-conviction law after *Jones*. Preserving such a rule through a moot decision would entrench advisory precedent on questions of recurring national importance—precisely what *Munsingwear* vacatur is intended to prevent.

CONCLUSION

The Court should grant the petition for a writ of certiorari, vacate the judgment of the court of appeals, and remand with instructions to dismiss the case as moot under *Munsingwear*.

Respectfully submitted.

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