

No. 25-5470

IN THE SUPREME COURT OF THE UNITED STATES

HOMBRA LAVAIL WILLIAMS, PETITIONER

v.

UNITED STATES OF AMERICA

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

BRIEF FOR THE UNITED STATES IN OPPOSITION

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QUESTION PRESENTED

Whether petitioner is entitled to plain-error relief on his claim that the district court, when it revoked petitioner's supervised release based on violations of its conditions, relied on an improper consideration to order an additional year of supervised release to follow a term of reimprisonment.

ADDITIONAL RELATED PROCEEDINGS

United States District Court (N.D. Iowa):

United States v. Williams, No. 17-CR-1006 (Apr. 9, 2024)

United States Court of Appeals (8th Cir.):

United States v. Williams, No. 24-1770 (June 26, 2025)

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OPINION BELOW

The opinion of the court of appeals (Pet. App. D1-D5) is available at 2025 WL 1766377.

JURISDICTION

The judgment of the court of appeals was entered on June 26, 2025. A petition for rehearing was denied on August 15, 2025 (Pet. App. A1). The petition for a writ of certiorari was filed on August 19, 2025. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

STATEMENT

Following a guilty plea in the United States District Court for the Northern District of Iowa, petitioner was convicted on one count of possessing a firearm as a prohibited person, in violation of 18 U.S.C 922(g) (1), (g) (3), and (g) (9), and 18 U.S.C. 924(a) (2) (2012). Judgment 1. The district court sentenced petitioner to 72 months of imprisonment, to be followed by two years of supervised release. Judgment 2-3. In 2024, after petitioner violated the conditions of his supervised release, the court revoked his supervised release and ordered 23 months of imprisonment, to be followed by one year of supervised release. Pet. App. G1-G3. The court of appeals affirmed. Id. at D1-D5.

1. On January 4, 2017, officers attempted to arrest petitioner, a convicted felon, on an outstanding warrant for failure to appear on a drug charge in Iowa county court. Presentence Investigation Report (PSR) ¶ 4. When officers arrived at petitioner's apartment, he unsuccessfully attempted to hide from the officers in a closet. Ibid. When arresting petitioner, investigators found 3.4 grams of marijuana in his pocket. Ibid. After obtaining a warrant and searching the full apartment, officers also found a loaded .45-caliber pistol, ammunition, marijuana, and drug paraphernalia. PSR ¶ 5. Petitioner later admitted that the firearm was his. PSR ¶ 7.

A grand jury in the Northern District of Iowa returned an indictment charging petitioner with possessing a firearm as a

prohibited person, in violation of 18 U.S.C. 922(g)(1), (g)(3), and (g)(9), and 18 U.S.C. 924(a)(2) (2012). Indictment 1-2. Petitioner pleaded guilty to the indictment. D. Ct. Doc. 18 (Mar. 30, 2017). The district court sentenced him to 72 months of imprisonment, to be followed by two years of supervised release. Judgment 2-3.

2. Petitioner was released from prison on April 1, 2022, and immediately began his period of supervision. Pet. App. D2. In June 2023, the Probation Office notified the district court that petitioner had violated the conditions of his supervised release, and the court subsequently held a revocation hearing. See D. Ct. Doc. 43 (June 20, 2023). At the hearing, petitioner admitted to three violations of the release conditions, including failure to participate in substance abuse testing, use of alcohol, and a violation of the law. D. Ct. Doc. 53, at 1 (July 26, 2023). The district court did not revoke petitioner's release at that time, but instead modified the release conditions to require him to reside in a residential reentry center for a period of time and to participate in a remote alcohol testing program. Id. at 5.

In January 2024, the Probation Office filed a petition to revoke petitioner's supervised release on the ground that he had again violated his release conditions. D. Ct. Doc. 54, at 1 (Jan. 10, 2024). At the new revocation hearing, petitioner admitted to eight violations, including failure to participate in substance abuse testing, use of alcohol, failure to comply with the

residential reentry center rules, failure to notify the Probation Office of law enforcement contact, and another violation of the law. Pet. App. G1.

The district court decided to revoke petitioner's release. Pet. App. G1. The court ordered 23 months of reimprisonment, noting that it was constrained by the statutory maximum of 24 months and taking one month off for acceptance of responsibility. 4/9/24 Revocation Hr'g Tr. (Tr.) 4, 16. The court further ordered that petitioner's sentence should run consecutively to any sentences he received for his pending state-law charges for operating a vehicle while intoxicated (OWI). Tr. 18-19. In making its determination, the court emphasized petitioner's repeated infractions and his "terrible" criminal history. Tr. 13-14.

The district court also determined that petitioner's reimprisonment should be followed by an additional one-year term of supervised release. Tr. 16. The court stressed that petitioner had immediately and repeatedly violated his terms of supervision, such as by regularly skipping his scheduled drug tests and committing multiple drunk-driving infractions. See Tr. 12-14 (detailing violations). And in explaining why additional supervised release was warranted, the court stated "I have to take a lot more into account than just what [petitioner's] own thoughts and interests might be. I have to consider protecting the public, ensuring respect for the law, and various other factors. And in this case [petitioner] has shown that he needs additional

supervision." Tr. 16. Petitioner did not object to any aspect of the additional term of supervised release.

3. The court of appeals affirmed in an unpublished opinion. Pet. App. D1-D5. The court rejected, inter alia, petitioner's claim that his additional term of supervised release was unreasonable, which was premised on the assertion that "nothing more can reasonably be gained from placing him back on supervision." Id. at D4. The court of appeals observed that petitioner had "acknowledge[d] that the district court considered valid factors when deciding to impose an additional supervision term." Ibid. And the court of appeals found that petitioner "ha[d] not shown that the district court's decision to impose an additional year of supervised release was unreasonable," where that court "was faced with a defendant who had demonstrated an inability to meet the goals of supervision and posed a risk to the public." Ibid. The court of appeals recounted that petitioner had, among other things, failed to "participate in substance abuse testing," "continued" to abuse alcohol, and had "two arrests for OWI while on supervised release." Ibid.

Petitioner filed a petition for panel rehearing and rehearing en banc. 7/24/25 Pet. C.A. Br. for Reh'g en Banc (Pet. for Reh'g). In that petition, petitioner asserted that the district court had improperly considered one of the retributive factors included in 18 U.S.C. 3553(a)(2)(A) -- namely, "respect for the law" -- when ordering an additional term of supervised release, in violation of

Esteras v. United States, 606 U.S. 185 (2025), which had been decided during the pendency of the panel's consideration of his appeal. Pet. For Reh'g 3; see id. at 2-4. The court of appeals denied rehearing with no judge noting a dissent. Pet. App. A1.

ARGUMENT

Petitioner contends (Pet. 5-7) that the district court's reference to "respect for the law" when deciding to order an additional term of supervised release amounts to plain error under Esteras v. United States, 606 U.S. 185 (2025). And petitioner asks (Pet. 5) this Court to grant certiorari, vacate the decision below, and remand (GVR) for further consideration in light of Esteras. That request is unwarranted, because Esteras was decided before the panel issued its decision, and the court of appeals has already declined to consider petitioner's Esteras claim, which was raised for the first time in a petition for rehearing. In any event, the district court did not commit plain error under Esteras when ordering the additional term of supervised release. The petition for a writ of certiorari should be denied.

1. As a threshold matter, petitioner errs in describing Esteras, which held that a district court cannot consider the retributive factors included within Section 3553(a)(2)(A) when revoking supervised release, 606 U.S. at 195, as an "intervening precedent." Pet. 7. And that alone warrants denial of his request for a GVR.

Notwithstanding that Esteras had already been briefed by the time petitioner's appeal was submitted to the panel, petitioner did not raise the Esteras issue, but instead "acknowledge[d] that the district court considered valid factors when deciding to impose an additional supervision term." Pet. App. D4; compare Esteras, 606 U.S. at 185 (argued on Feb. 25, 2025), with Pet. App. D1 (submitted Mar. 17, 2025). And this Court decided Esteras on June 20, 2025, almost a week before the court of appeals issued its decision affirming petitioner's revocation term. Compare Esteras, 606 U.S. at 185 (decided June 20, 2025), with Pet. App. D1 (decided June 26, 2025). Moreover, petitioner later did, in fact, raise Esteras to the court of appeals, in his request for panel rehearing and rehearing en banc. Pet. for Reh'g 2-4. But that request was denied. Pet. App. A1.

This case is therefore not one in which this Court has issued a decision after the court of appeals has fully acted, which could warrant a GVR in light of an intervening decision. Instead, petitioner's request for a GVR is in substance a request for the fact-bound error correction of an unpublished opinion, where he made an initial submission inconsistent with his current reliance on Esteras, failed to inform the panel about the decision in Esteras until after its decision was issued, and has already been denied relief by the panel and the full court of appeals on his belated Esteras claim. In such circumstances, a GVR is unwarranted.

2. In any event, a GVR is unnecessary because petitioner cannot show that he is entitled to relief on his claim. Because he failed to lodge a contemporaneous objection in district court, his right to appellate relief is "governed by plain-error review," under which the district court's order "will be affirmed unless it is 'clear' or 'obvious' that the district court actually relied on § 3553(a)(2)(A)." Esteras, 606 U.S. at 202-203 (citation omitted).

Here, it far from clear or obvious that the district court relied on impermissible retributive considerations in ordering an additional term of supervised release to follow reimprisonment. As the court of appeals recognized, the district court ordered an additional term of supervised release because petitioner demonstrated a continued "need for services such as medical help and counseling," and also continued to "pose[] a risk to the public." Pet. App. D4. Indeed, at the revocation hearing, the district court emphasized that it had "zero confidence" that petitioner would (among other things) "stop driving while intoxicated" and engaging in "dangerous" behavior, especially absent any additional supervision. Tr. 14. Those are the sort of "forward-looking ends of sentencing" that a district court is supposed to consider in this context, versus the "backward-looking purpose of retribution" that is not allowed. Esteras, 606 U.S. at 196 (emphases omitted).

Petitioner's sole argument otherwise rests on the district court's reference to "respect for the law" when ordering the additional term of supervised release. Pet. 6. But while those same words appear in the excluded retributive considerations under Section 3553(a)(2)(A), it is not apparent that the court in fact relied on retributive considerations here. This Court has cautioned that "the language of [a judicial] opinion," much less the transcript of a revocation hearing, "is not always to be parsed as though we were dealing with language of a statute." Reiter v. Sonotone Corp., 442 U.S. 330, 341 (1979). And Esteras makes clear that its holding is "substantive," not linguistic: what matters under Esteras is whether the district court relied on the "retributive purpose" of Section 3553(a)(2)(A). 606 U.S. at 203.

Here, the district court explained that it was ordering an additional term of supervised release because it concluded that petitioner "needs additional supervision." Tr. 16. That explanation immediately followed its mention of "respect for the law." Ibid. And the court had already explained at length its nonretributive reasons why such additional supervision would be necessary for petitioner, who had a lengthy history of criminality and prior postrelease violations. See Tr. 12-16. The record does not support an entitlement to plain-error relief.

CONCLUSION

The petition for a writ of certiorari should be denied.

Respectfully submitted.

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DECEMBER 2025