

No. 26-\_\_\_\_

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In The  
**Supreme Court of The United States**

OCTOBER TERM, 2025

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CARLOS GRANDA,

*Petitioner,*

v.

UNITED STATES OF AMERICA,

*Respondent.*

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On Petition for Writ of Certiorari to the  
United States Court of Appeals  
for the Eleventh Circuit

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**PETITION FOR A WRIT OF CERTIORARI**

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February 4, 2026  
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## **APPENDIX**

Appendix A-1: Order Denying Certificate of Appealability,

*Granda v. United States*, No. 25-11754 (11th Cir. Nov. 6, 2025).....A-1

Appendix A-2: Order Dismissing Motion to Vacate,

*Granda v. United States*, No. 20-cv-22610-DMM (S.D. Fla. Apr. 4, 2025).....A-2

## **APPENDIX A-1**

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 25-11754

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CARLOS GRANDA,

*Petitioner-Appellant,*

*versus*

UNITED STATES OF AMERICA,

*Respondent-Appellee.*

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Appeal from the United States District Court  
for the Southern District of Florida  
D.C. Docket No. 1:20-cv-22610-DMM

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ORDER:

Carlos Granda has filed a motion for a certificate of appealability (“COA”). Granda’s motion for a COA is DENIED because he has not made a substantial showing of the denial of a

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Order of the Court

25-11754

constitutional right. 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

/s/ Andrew L. Brasher

UNITED STATES CIRCUIT JUDGE

## **APPENDIX A-2**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 20-22610-CV-MIDDLEBROOKS

CARLOS GRANDA,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

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**ORDER DISMISSING MOTION TO VACATE**

**THIS CAUSE** is before the Court on Movant Carlos Granda's Motion to Vacate, filed June 23, 2020. (DE 1). In this action, Movant seeks post-conviction relief from a conviction he maintains is unconstitutional in light of the Supreme Court's ruling in *United States v. Davis*, 139 S. Ct. 2319 (2019). For the last few years, this matter has been stayed pending the Eleventh Circuit's resolution of an appeal regarding a prior order denying him post-conviction relief. (DE 15). The full procedural history has been traced in full by the Eleventh Circuit, which found against Granda on his claims under both *Davis* and *Johnson v. United States*, 135 S. Ct. 2251 (2015). *Granda v. United States*, 990 F.3d 1272 (11th Cir. 2021), *cert. denied*, No. 21-6171 (U.S. Mar. 7, 2022). Further, the Supreme Court has denied *certiorari* review.

Following the Supreme Court's denial of *certiorari*, and in light of the Eleventh Circuit's opinion on the merits, the Parties agree that the instant action must be dismissed. (DE 22 at 2; DE 24 at 1). However, Movant requests that notwithstanding dismissal of the instant action, this Court should issue a Certificate of Appealability (COA) to take this matter back to the Eleventh Circuit. He contends that "his case still presents questions which are debatable among jurists of reason," in light of the differing circuit approaches under *Johnson*. (DE 22 at 5); *see Cross v. United States*,

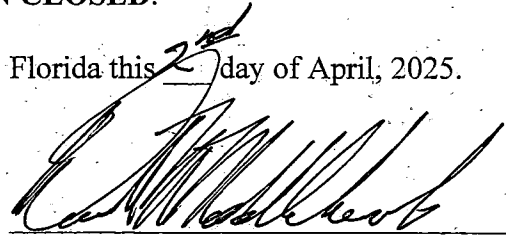


892 F.3d 288, 295 (7th Cir. 2018); *United States v. Snyder*, 871 F.3d 1122 (10th Cir. 2017).

I decline to issue a COA in this matter. The Eleventh Circuit has held that “no COA should issue where the claim is foreclosed by binding circuit precedent ‘because reasonable jurists will follow controlling law.’” *Hamilton v. Secretary, Fla. Dept. of Corr.*, 793 F.3d 1261, 1266 (11th Cir. 2015). Although Movant contends that *Hamilton* was wrongly decided, this Court remains bound by *Hamilton*, which was recently reaffirmed by the Eleventh Circuit. *Mentor v. United States*, No. 23-11572, 2023 WL 11115564, at \*1 (11th Cir. Dec. 19, 2023), *cert. denied*, No. 23-7268 (U.S. May 28, 2024). As it is uncontested that binding circuit precedent forecloses Movant’s claim, a COA cannot be issued. *See Granda v. United States*, 990 F.3d 1272 (11th Cir. 2021).

Accordingly, it is hereby **ORDERED AND ADJUDGED** that Movant’s Motion to Vacate (DE 1) is **DISMISSED**. This matter shall **REMAIN CLOSED**.

**SIGNED** in Chambers at West Palm Beach, Florida this 2<sup>nd</sup> day of April, 2025.

A handwritten signature in black ink, appearing to read 'Donald M. Middlebrooks', is written over a horizontal line.

DONALD M. MIDDLEBROOKS  
UNITED STATES DISTRICT JUDGE