

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

RICARDO ESQUIVEL, PETITIONER

v.

UNITED STATES OF AMERICA, RESPONDENT

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

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Federal supervised-release revocation sentences are frequently measured in months rather than years. Because appellate review often extends beyond the custodial portion of such sentences, revocation defendants may complete their terms of imprisonment before a court of appeals renders judgment. When no additional term of supervised release remains, several courts dismiss the appeal as moot without reaching the merits. The result is that the legality of revocation imprisonment may evade meaningful appellate review. The question presented is:

Whether expiration of a short federal supervised-release revocation sentence during the pendency of a direct appeal categorically moots the appeal under Article III when no further supervision remains, even though such sentences routinely expire before appellate review can be completed.

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OPINIONS BELOW

The unpublished decision of the Fifth Circuit Court of Appeals is attached as [App. A]. The Order Revoking Supervised Release and Re-Sentencing Defendant is attached as [App. B].

PARTIES TO THE PROCEEDING AND COMPLIANCE WITH RULE 14(B)

The parties to the proceeding are listed in the caption. There are no corporate parties, and this case was not consolidated with any other appeal.

JURISDICTION

The decision of the United States Court of Appeals for the Fifth Circuit was entered on November 25, 2025 (App. A). The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1). This petition is timely under Supreme Court Rule 13.

CONSTITUTIONAL AND STATUTORY PROVISIONS

This case concerns whether a federal supervised-release revocation appeal becomes moot upon expiration of the custodial term during appellate review. The relevant constitutional and statutory provisions are set forth below.

U.S. Const. art. III, § 2, cl. 1 provides in relevant part: “The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution [and] the Laws of the United States.”

18 U.S.C. § 3583(e) provides in relevant part: “The court may, after considering the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7)— . . . (3) revoke a term of supervised release, and require the defendant to serve in prison all or part of the term of supervised release”

STATEMENT OF THE CASE

Petitioner Ricardo Esquivel is a United States citizen who was originally sentenced on October 3, 2019, to 57 months of imprisonment followed by three years of supervised release. He began serving his term of supervised release on December 17, 2021.

In 2024, while on supervision, the government initiated revocation proceedings alleging drug use and related violations. Following a final revocation hearing on March 17, 2025, the district court revoked supervised release and imposed a sentence of 15 months’ imprisonment. The court did not impose any additional term of supervised release in this case.

Petitioner argued that the revocation sentence violated 18 U.S.C. § 3583(e) and this Court’s decision in *Esteras* by relying on impermissible retributive considerations and by failing to articulate a permissible forward-looking justification for imprisonment.¹ He timely appealed.

¹ *Esteras v. United States*, 606 U.S. ____ (2025).

During the pendency of the appeal, Petitioner completed the custodial portion of his revocation sentence. The court of appeals did not address the merits of Petitioner's statutory or constitutional claims. Instead, it dismissed the appeal as moot on the ground that, because no additional supervised release had been imposed, no live case or controversy remained.

Petitioner's appeal raised substantial questions regarding the permissible purposes of revocation imprisonment under 18 U.S.C. § 3583(e), including whether the district court relied on impermissible retributive considerations rather than forward-looking statutory factors. The district court imposed an above-Guidelines sentence despite evidence of Petitioner's documented mental-health and substance-abuse challenges, and Petitioner argued that the court failed to explain why a longer custodial term, rather than treatment-oriented measures, was necessary under § 3583(e). Those issues were never addressed because the court of appeals dismissed the appeal as moot. This petition follows.

REASONS FOR GRANTING THE WRIT

I. The routine expiration of short supervised-release revocation sentences before appellate resolution creates a structural Article III problem which warrants this Court's review.

Spencer v. Kemna held that collateral consequences are not presumed for parole revocation and that speculative future effects are insufficient to defeat mootness.² But supervised-release revocation is not parole. It is a statutory sentencing proceeding under 18 U.S.C. § 3583(e), results in a formal federal judgment, and frequently imposes imprisonment measured in months rather than years. The routine expiration of such sentences during appellate review presents a recurring Article III problem not squarely addressed in *Spencer*.³

Article III limits the jurisdiction of the federal courts to Cases and Controversies.⁴ A case becomes moot when the issues presented are no longer live or the parties lack a legally cognizable interest in the outcome.⁵ But this Court has long recognized that mootness doctrine must not be applied in a manner that systematically insulates short-term deprivations of liberty from appellate review.⁶

Supervised-release revocation sentences present precisely that risk. Revocation terms frequently measure imprisonment in months, not years. By the

² *Spencer v. Kemna*, 523 U.S. 1 (1998).

³ *Id.*

⁴ U.S. Const. art. III, § 2.

⁵ *Spencer*, 523 U.S. 1.

⁶ See *S. Pac. Terminal Co. v. Interstate Commerce Comm'n*, 219 U.S. 498 (1911); *Turner v. Rogers*, 564 U.S. 431, 439–40 (2011).

time briefing is completed and a court of appeals renders judgment, the custodial portion of the revocation sentence has often expired. If expiration of custody categorically moots the appeal, the legality of the revocation judgment becomes functionally unreviewable. Article III should not operate as a mechanism for insulating completed criminal sentences from review solely because the appellate process outlasts the custodial term imposed. When the structure of appellate review predictably exceeds the duration of short revocation sentences, categorical mootness effectively converts temporary deprivations of liberty into unreviewable judgments. That is what occurred here. Petitioner's revocation sentence expired during the pendency of his appeal. The Fifth Circuit dismissed the case as moot solely because the district court did not impose an additional term of supervised release. The court did not reach the merits of Petitioner's statutory and constitutional challenge to the revocation judgment. The result was elimination of appellate review altogether.

The courts of appeals have consistently applied *Spencer*⁷ to hold that a completed term of supervised-release revocation imprisonment renders a direct appeal moot when no additional supervision remains and the defendant cannot identify specific collateral consequences.⁸ Under this prevailing approach, once custody expires and no further term of supervised release is imposed, the appeal is dismissed for lack of a continuing case or controversy.

⁷ *Spencer*, 523 U.S. 1.

⁸ See, e.g., *United States v. Propper*, 170 F.3d 345, 348–49 (2d Cir. 1999); *United States v. Hardy*, 545 F.3d 280, 284 (4th Cir. 2008); *United States v. Duclos*, 382 F.3d 62, 66 (1st Cir. 2004).

That uniform application, however, has produced a recurring structural consequence. Supervised-release revocation sentences are frequently measured in months rather than years, while appellate review commonly extends beyond the custodial portion of such sentences. As a result, statutory and constitutional challenges to revocation imprisonment often go unreviewed not because they lack merit but because the custodial term expires before appellate adjudication can be completed.

II. Because *Spencer* did not address modern supervised-release revocation sentencing, its categorical application in this context warrants clarification.

Supervised release differs materially from the parole system considered in *Spencer*. In *Spencer*, this Court held that collateral consequences are not presumed for parole revocation and that speculative future sentencing effects are insufficient to defeat mootness once the term of imprisonment has expired.⁹ The Court distinguished its earlier presumption of collateral consequences for criminal convictions,¹⁰ emphasizing that parole revocation did not carry the same automatic civil disabilities as a criminal conviction. Supervised release, however, is imposed as part of a federal criminal sentence, and revocation proceedings are governed by

⁹ *Spencer*, 523 U.S.

¹⁰ See *Carafas v. LaVallee*, 391 U.S. 234 (1968); also see *Spencer*, 523 U.S. 1.

statute.¹¹ Revocation results in a judicial determination and a new term of imprisonment entered as part of the criminal case, rendering it materially different than parole as considered by *Spencer*.¹²

The routine extension of *Spencer* in the context of supervised release effectively prevents review of revocation sentencing errors whenever the custodial term expires before appellate resolution. Lower courts have routinely applied *Spencer* in this manner to dismiss direct appeals from completed revocation sentences as moot when no additional supervision remains.¹³ In doing so, they have treated revocation imprisonment as functionally equivalent to parole revocation for Article III purposes. *Spencer*, however, did not consider the structural realities of the modern supervised-release regime, in which revocation frequently results in short custodial terms imposed through formal sentencing proceedings. This Court's guidance is warranted to clarify how Article III mootness principles apply to completed supervised-release revocation sentences.

III. The routine expiration of short revocation sentences prevents meaningful appellate review.

This Court has recognized that certain disputes may evade review when the challenged action is inherently too short in duration to be fully litigated before

¹¹ 18 U.S.C. § 3583(e).

¹² See *Johnson v. United States*, 529 U.S. 53 (2000).

¹³ See, e.g., *Prober*, 170 F.3d at 348–49; *Hardy*, 545 F.3d at 284; *Duclos*, 382 F.3d at 66.

cessation.¹⁴ Although the “capable of repetition, yet evading review” exception to the mootness doctrine ordinarily requires a reasonable expectation that the same complaining party will again be subjected to the challenged action, the practical realities of supervised-release revocation present a recurring structural problem. Revocation sentences are often measured in months. Appellate briefing, argument, and decision routinely extend beyond the custodial portion of such sentences. When appeals are dismissed as moot upon release, statutory and constitutional challenges to revocation imprisonment go unresolved. Unlike many civil disputes, revocation-sentencing questions arise from completed criminal judgments that cannot be refiled once custody expires. The combined effect of short custodial terms and appellate timelines means that many revocation-sentencing issues will systematically evade review. Absent clarification from this Court, important questions concerning the legality of revocation imprisonment under 18 U.S.C. § 3583(e) will continue to escape meaningful appellate scrutiny.

IV. Automatic mootness in this context undermines uniform enforcement of this Court’s sentencing precedents.

This Court has repeatedly imposed limits on the purposes for which imprisonment may be imposed.¹⁵ Petitioner’s appeal raised questions under this

¹⁴ *S. Pac. Terminal Co.*, 219 U.S. 498; *Turner*, 564 U.S. at 439–40.

¹⁵ See, e.g., *Tapia v. United States*, 564 U.S. 319 (2011) (holding that a federal court cannot give a criminal defendant a longer sentence to promote rehabilitation.).

Court's more recent decision in *Esteras*, clarifying the permissible purposes for revocation imprisonment under 18 U.S.C. § 3583(e).¹⁶ When courts dismiss revocation appeals as moot upon expiration of custody, they prevent appellate enforcement of these substantive constraints in a large class of cases. The availability of review should not depend on whether a revocation sentence is long enough to survive the appellate timeline. Article III does not require a system in which short liberty deprivations are categorically insulated from judicial scrutiny.

V. This case cleanly presents the question of whether routine expiration of revocation custody categorically moots appeals.

The question presented is narrow but recurring: whether the routine expiration of short supervised-release revocation sentences before appellate resolution renders such appeals categorically moot, thereby insulating revocation judgments from meaningful Article III review. This case squarely presents that issue. Petitioner completed the custodial term while his appeal was pending. The district court imposed no additional supervised release in the appealed case. The Fifth Circuit dismissed solely on mootness grounds without reaching the merits. This Court's guidance is warranted to clarify the proper application of mootness principles in the supervised-release revocation context and to ensure that revocation judgments remain subject to meaningful appellate oversight consistent with Article III.

¹⁶ *Esteras v. United States*, 606 U.S. ____ (2025).

VI. The uniform application of *Spencer* to completed revocation appeals warrants this Court's clarification.

The courts of appeals have consistently extended *Spencer* beyond the parole-revocation habeas context in which it arose and into the modern supervised-release revocation regime.¹⁷ In doing so, they have held that once a defendant completes a revocation term of imprisonment and no additional supervision remains, the appeal becomes moot absent proof of concrete collateral consequences. In *Prober*, the Second Circuit dismissed a completed supervised-release revocation appeal as moot, reasoning that collateral consequences are not presumed and must be specifically demonstrated.¹⁸ The Fifth Circuit reached the same conclusion in *Clark*, holding that expiration of a revocation sentence rendered the appeal moot where no continuing consequences were shown.¹⁹ Likewise, the Tenth Circuit in *Meyers* applied *Spencer* to dismiss a supervised-release revocation appeal after custody expired, emphasizing the absence of concrete collateral consequences.²⁰ Other courts have followed the same approach.²¹

While there is thus no significant division among the circuits, the uniform extension of *Spencer* beyond the parole-revocation habeas context in which it arose and into the modern supervised-release sentencing regime has produced

¹⁷ *Spencer*, 523 U.S. 1.

¹⁸ *Prober*, 170 F.3d at 348–49;

¹⁹ *United States v. Clark*, 193 F.3d 845, 848 (5th Cir. 1999) (“As defined by *Spencer*, the injuries alleged by *Clark* are not sufficient collateral consequences of his confinement to keep this controversy alive”).

²⁰ *United States v. Meyers*, 200 F.3d 715 (10th Cir. 2000).

²¹ *Prober*, 170 F.3d at 348–49; *Hardy*, 545 F.3d at 284; *Duclos*, 382 F.3d at 66.

consequences this Court has never directly addressed. The lower courts have treated the question as controlled by *Spencer*, yet *Spencer* did not consider the structural realities of short-term statutory revocation sentences that routinely expire during appellate review. The extension of *Spencer* to revocation sentences, despite material differences between parole revocation and statutory sentencing under 18 U.S.C. § 3583(e), has produced a recurring structural barrier to appellate review. Only this Court can clarify whether Article III requires categorical dismissal in this setting or whether the realities of modern supervised-release sentencing warrant a more nuanced approach.

CONCLUSION

For these reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink that reads "Joseph Ostini". The signature is written in a cursive, flowing style.

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