

No. 18-3919

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Sep 23, 2025
KELLY L. STEPHENS, Clerk

UNITED STATES OF AMERICA,)
)
 Plaintiff-Appellee,)
)
 v.)
)
 ADAM CARSON,)
)
 Defendant-Appellant.)

ORDER

Before: LARSEN, Circuit Judge.

Defendant Adam Carson moves, for the second time, to recall the mandate in *United States v. Carson*, 796 F. App'x 238 (6th Cir. 2019), in which this court affirmed his conviction and sentence, including the district court's finding that Carson qualified as a career offender. The government opposes the motion.

The court has the inherent authority to recall its mandate. *Patterson v. Haskins*, 470 F.3d 645, 661–62 (6th Cir. 2006). But “such power should only be exercised in extraordinary circumstances because of the profound interests in repose attached to a court of appeals mandate.” *United States v. Saikaly*, 424 F.3d 514, 517 (6th Cir. 2005) (order). The power to recall a mandate “is one of last resort, to be held in reserve against grave, unforeseen contingencies,” *Calderon v. Thompson*, 523 U.S. 538, 550 (1998); consequently, the party seeking to recall a mandate must show exceptional circumstances that override the strong public policy in favor of the finality of judgments, *see Saikaly*, 424 F.3d at 517.

Appendix A

No. 18-3919

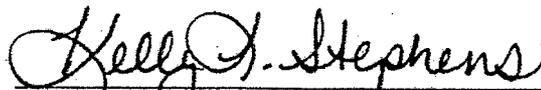
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As stated in the order denying Carson's prior motion to recall the mandate, the proper method for challenging an allegedly unconstitutional sentence is through habeas corpus, not by recalling the mandate. *See Saikaly*, 424 F.3d at 517-18. That remains true even where, as here, the alleged unconstitutionality arose after the defendant's sentence became final. *Id.* at 518 ("The incremental change in the law as evidenced by *Apprendi*, *Blakely*, and *Booker* simply is not the type of unforeseen contingency which warrants recall of the mandate to permit yet another round of appellate review.").

Further, few cases implicate the profound interests in repose or the "strong public policy in favor of the finality of judgments" better than Carson's. His conviction is nearly six years old and has been reaffirmed numerous times. This motion to recall the mandate is subject to denial for the same reasoning applied to his prior motion. His conviction and sentence are final.

The motion to recall the mandate is **DENIED**.

ENTERED BY ORDER OF THE COURT



Kelly L. Stephens, Clerk

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