

Supreme Court of the United States

No. 25-748

**KEVIN MCCARTHY, SUPERINTENDENT,
ELMIRA CORRECTIONAL FACILITY,**

Petitioner,

v.

PEDRO HERNANDEZ

ON PETITION FOR WRIT OF CERTIORARI to the United States Court of Appeals for the Second Circuit.

THIS CAUSE having been submitted on the petition for writ of certiorari and the response thereto.

ON CONSIDERATION WHEREOF, it is ordered and adjudged by this Court that the petition for writ of certiorari is granted. The judgment of the above court in this cause is reversed, and the case is remanded to the United States Court of Appeals for the Second Circuit for further proceedings consistent with the opinion of this Court.

IT IS FURTHER ORDERED that the petitioner, Kevin McCarthy, Superintendent, Elmira Correctional Facility, recover from Pedro Hernandez, Three Hundred Dollars (\$300.00) for costs herein expended.

June 22, 2026

Clerk's costs: \$300.00

