No. ____________

IN THE SUPREME COURT OF THE UNITED STATES

HECTOR CERVANTES-TORRES,

PETITIONER,

vs.

UNITED STATES OF AMERICA,

RESPONDENT.

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

PETITION FOR WRIT OF CERTIORARI

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Appointed Under the Criminal Justice Act of 1964

QUESTION PRESENTED FOR REVIEW

Whether the failure to instruct a jury on the knowledge-of-status element of 18 U.S.C. § 922(g), as required by *Rehaif v. United States*, 588 U.S. 225 (2019) is an error of the most fundamental character warranting coram nobis relief where the defendant was precluded at trial from presenting compelling evidence of his state of mind and the prosecutor told the jury that the government did not have to prove knowledge.

PARTIES TO THE PROCEEDING

Petitioner is Hector Cervantes-Torres, the petitioner/appellant in the proceedings below.

Respondent is the United States of America.

STATEMENT OF RELATED PROCEEDINGS

The proceedings identified below are directly related to the above-captioned case in this Court.

- *United States v. Cervantes-Torres*, No. 14-CR-206-DOC, U.S. District Court for the Central District of California. Judgment entered June 16, 2014; unpublished order granting in part and denying in part petition for writ of error coram nobis at 2023 WL 12097374 (June 29, 2023).
- *United States v. Cervantes-Torres*, 622 F. App'x 634 (9th Cir. 2015) (affirming conviction on direct appeal).
- *Cervantes Torres v. United States*, No. 23-55617, United States Court of Appeals for the Ninth Circuit; 141 F.4th 1101 (June 24, 2025), amending and superseding on denial of rehearing by 169 F.4th 868 (9th Cir. 2025) (March 13, 2026).

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The Ninth Circuit's amended opinion is reprinted in the Appendix to the Petition. *See* Appendix A.

JURISDICTION

On June 24, 2025, the Court of Appeals entered its decision affirming the district court's denial of petitioner's error coram nobis petition. On March 13, 2026, the Ninth Circuit denied the petition for rehearing and amended and superseded the original opinion. This Court has jurisdiction under 28 U.S.C. § 1254(1).

LEGAL PROVISIONS

18 U.S.C. § 922(g) provides, in relevant part:

> It shall be unlawful for any person—
> (1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year; . . . [or]
> (5) who, being an alien—
> (A) is illegally or unlawfully in the United States . . .
> . . . to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition[.]

The All Writs Act, 28 U.S.C. § 1651(a), provides:

> The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.

INTRODUCTION

Hector Cervantes-Torres came to the United States from Mexico at the age of twelve and became a lawful permanent resident in 1992. Following a single felony drug possession conviction sustained shortly after his eighteenth birthday—a conviction later set aside under California law—he was placed in removal proceedings and, after a confusing hearing, ordered deported in 1996. He was physically removed to Mexico in 2003 and reentered the United States a week later, presenting his green card at a port of entry where border officers admitted him. For the next decade he lived openly in San Juan Capistrano, California, as a card-carrying lawful permanent resident: he raised two sons, paid taxes, renewed his driver's license, applied to the State of California for hunting licenses and tags nineteen times, and submitted an application to replace his green card at a USCIS facility, where officials accepted his fingerprints and gave him a sticker extending the card's validity through April 2013.

In October 2013, ICE arrested Mr. Cervantes-Torres at home and the government charged him with felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1); alien in possession of a firearm in violation of 18 U.S.C. § 922(g)(5)(A); and reentry after deportation in violation of 8 U.S.C. § 1326. At his 2014 trial, his defense was that he believed he was a lawful permanent resident. The law at the time held that his subjective belief was irrelevant. The jury was not instructed that the government must prove knowledge of status; his testimony about his state of mind was cut off by counsel and the court; and the prosecutor told the jury in closing that the government did not have to prove he knew he was not allowed to reenter the United States.

Five years later, this Court held in *Rehaif v. United States*, 588 U.S. 225 (2019), that a defendant's knowledge of his status is an essential element of every § 922(g) offense. Mr. Cervantes-Torres petitioned for a writ of error coram nobis. The same district judge who had presided over the trial granted relief as to the § 922(g)(1) felon-in-possession count, reasoning that a properly instructed jury could find Mr. Cervantes-Torres did not know he remained a felon after his state conviction was set aside. The district court denied relief as to the § 922(g)(5)(A) count, finding no reasonable probability that a properly instructed jury would have reached a different verdict on knowledge of unlawful immigration status.

A divided panel of the Ninth Circuit affirmed. The majority, drawing four facts from the cold record of a trial in which *mens rea* evidence was excluded, characterized the evidence as "overwhelming" and held that "no jury would have reached a different verdict even if a *Rehaif* instruction had been given." *Cervantes-Torres v. United States*, 141 F.4th 1101, 1103 (9th Cir. 2025), as amended and superseded at 169 F.4th 868, 870 (9th Cir. 2026). The concurrence urged this Court to revisit *United States v. Morgan*, 346 U.S. 502 (1954), and to eliminate the writ of error coram nobis as ahistorical. 141 F.4th at 1109; 169 F.4th at 878 (Nelson, J., concurring). The dissent concluded that the omission of an essential element is fundamental error warranting coram nobis relief under *United States v. McClelland*, 941 F.2d 999 (9th Cir. 1991), and *United States v. Walgren*, 885 F.2d 1417 (9th Cir. 1989), and that, in any event, the record supports a reasonable probability of a different result. 141 F.4th at 1119–25; 169 F.4th at 888 (Desai, J., dissenting).

The case presents an important federal question: whether the omission of an essential *mens rea* element under *Rehaif* is the kind of error that warrants coram nobis relief, and whether reviewing courts may resolve that question by acting as factfinders on a trial record developed under the now-rejected rule. Mr. Cervantes-Torres respectfully asks the Court to grant the petition.

STATEMENT OF THE CASE

A. Pre-Trial Background

Hector Cervantes-Torres was born in Mexico. He came to the United States with his family at age twelve and settled in Orange County, California. In 1992 he became a lawful permanent resident. Shortly after his eighteenth birthday he was arrested with a personal-use quantity of cocaine. In 1994 he pled guilty to a felony violation of California Health and Safety Code § 11350(a) and received a 90-day sentence.

In 1996, because of that conviction, Mr. Cervantes-Torres was placed in removal proceedings. He appeared without counsel before an immigration judge on October 29, 1996. The hearing was confusing. Mr. Cervantes-Torres believed there had been a misunderstanding because he had left his green card at home; the immigration judge reinforced that belief by asking him whether he had documentation and reminding him it was his burden to provide proof of status. The immigration judge ordered him deported, then explained appellate rights in a way that gave Mr. Cervantes-Torres the impression that the matter had not been concluded. Although the immigration judge stated that Mr. Cervantes-Torres was ineligible for release, he was released shortly thereafter on a $3,000 bond. He believed the problem had been cleared up.

Six years later, on August 8, 2003, immigration officers detained Mr. Cervantes-Torres at home after he applied for a new California driver's license. They put him on a bus to San Ysidro and directed him to walk across the border to Mexico. They did not confiscate his green card. A week later he reentered the United States through the San Ysidro Port of Entry, where he presented his green card and was admitted after inspection.

For the next ten years Mr. Cervantes-Torres lived openly in San Juan Capistrano, California. He supported his common-law wife and two sons, first as a handyman and then as a general contractor. He renewed his California driver's license. He paid taxes. On March 20, 2012, his felony drug conviction was set aside and dismissed under California Penal Code § 1203.4. He took up hunting with his sons and applied to the California Department of Fish and Game for nineteen hunting tags or licenses over multiple seasons. He participated in a local hunting club.

In June 2012, Mr. Cervantes-Torres hired a tax preparer to electronically file an I-90 request for a replacement permanent-resident card, paying $450 in filing, biometrics, and fingerprinting fees. The application incorrectly stated that he had not been deported. USCIS later denied the application, sending him a letter explaining that he had been ordered deported, was subject to a ten-year bar against reentry, and lacked lawful permanent resident status. Despite that letter, Mr. Cervantes-Torres was given a sticker that extended the validity of his green card through April 2013.

In October 2013, an ICE officer in traffic noticed a hunting club bumper sticker on Mr. Cervantes-Torres's vehicle, ran his license plates, and located his deportation record. ICE agents arrested Mr. Cervantes-Torres at home on October 17, 2013, where they observed hunting rifles in plain view in his bedroom.

B. The 2014 Trial

The government charged Mr. Cervantes-Torres with possession of a firearm as a felon, 18 U.S.C. § 922(g)(1); possession of a firearm as an alien unlawfully present in the United States, 18 U.S.C. § 922(g)(5)(A); and reentry after deportation, 8 U.S.C. § 1326. He proceeded to trial against the advice of counsel because he believed he had not broken the law.

The parties stipulated to four elements of the firearms counts, including the existence of Mr. Cervantes-Torres's then-extant felony conviction, the interstate manufacture of the rifles and shotguns, the statutory firearm status of those weapons, and the matching of fingerprints on the deportation documents. At the time of trial, this Court had not yet decided *Rehaif*, and Ninth Circuit law held that the government did not have to prove that Mr. Cervantes-Torres knew of his prohibited status—that is, that he knew he was a felon or that he knew he was unlawfully present in the United States. The defense focused on the validity of the extension sticker on Mr. Cervantes-Torres's green card, which the district court referred to during the proceedings as the "mystical magical Green Card." None of the government's witnesses could explain the issuance of the extension sticker, and they conceded that it appeared valid on its face.

Mr. Cervantes-Torres was the only defense witness. His direct examination was brief and contained. At its conclusion, Mr. Cervantes-Torres asked the court: "I wanted to say something about my – about me being here. Can I say that?" 4-ER-674–75. After consultation, his lawyer reported: "I would prefer that we proceed as we started to proceed with him stepping down." 4-ER-144–45. The district court did not instruct the jury that the government had to prove knowledge of prohibited status. In closing argument, the prosecutor told the jury that "the government does not have to prove the defendant knew he was not allowed to reenter the United States. So to the extent he wants to suggest with his testimony that he was confused—because he still had a green card; right?—he was confused about whether or not he could reenter, that doesn't matter." *Cervantes-Torres*, 169 F.4th at 894 (Desai, J., dissenting).

The jury convicted on all counts. The district court sentenced Mr. Cervantes-Torres to 27 months in federal custody, below the Guidelines range. The Ninth Circuit affirmed in an unpublished disposition. *United States v. Cervantes-Torres*, 622 F. App'x 634 (9th Cir. 2015). Mr. Cervantes-Torres served his sentence and was released from immigration custody on bond.

While the criminal case was ongoing, Mr. Cervantes-Torres sought to regularize his immigration status. In November 2013 he filed a motion to reopen and stay of deportation; when that was denied, he filed an application for asylum and withholding of removal on December 29, 2015. That application remains pending. His § 922(g)(5)(A) conviction is an aggravated felony that could make him ineligible for withholding of removal. In 2019, a California Superior Court permitted Mr. Cervantes-Torres to withdraw his 1994 guilty plea on the ground that counsel had failed adequately to advise him of immigration consequences, and the state conviction was vacated.

C. *Rehaif* and the Coram Nobis Petition

In 2019, this Court decided *Rehaif v. United States*, 588 U.S. 225 (2019), and held that in a prosecution under 18 U.S.C. § 922(g), the government must prove that the defendant knew he belonged to the relevant category of persons barred from possessing a firearm. *Id.* at 237. Because he was no longer in custody, Mr. Cervantes-Torres filed a petition for writ of error coram nobis seeking to vacate his § 922(g)(1) and § 922(g)(5)(A) convictions.

The same judge who had presided at trial relied on *United States v. Michell*, 65 F.4th 411, 414 (9th Cir. 2023), to conclude that coram nobis relief required a finding that there is a "reasonable probability" that, had the jury been properly instructed under *Rehaif*, it would have reached a different verdict. The district court granted relief on the § 922(g)(1) count, finding that the 2012 expungement of the underlying felony drug conviction made it reasonably probable that a properly instructed jury could find Mr. Cervantes-Torres did not know he was a felon. As to the § 922(g)(5)(A) count, however, the district court denied relief, relying principally on Mr. Cervantes-Torres's 2003 physical deportation, the statement on his I-90 application that he had not been deported, and the USCIS denial letter.

D. The Decision Below

A divided panel of the Ninth Circuit affirmed. *Cervantes-Torres v. United States*, 141 F.4th 1101 (9th Cir. 2025). On March 13, 2026, the panel issued an order denying rehearing and an amended opinion. *Cervantes-Torres v. United States*, 169 F.4th 868 (9th Cir. 2026). The majority did not resolve whether the proper standard on collateral review is the plain-error "reasonable probability" standard or the more demanding "substantial likelihood" standard the government urged. 169 F.4th at 873-74. Instead, it held that Mr. Cervantes-Torres could not prevail even on direct-appeal plain-error review, because the omission of the *Rehaif* instruction was not error "of the most fundamental sort." *Id.* at 877-78. The majority rested that conclusion on three facts drawn from the trial record: Mr. Cervantes-Torres's 2003 physical deportation and his I-90 application's statement that he had not been deported; the USCIS letter denying his I-90 application; and the expiration of the green-card extension sticker in April 2013, six months before his arrest. *Id.* at 876. The majority characterized that record as "overwhelming evidence that Cervantes-Torres was aware of his unlawful status" and concluded that "no jury would have reached a different verdict even if a *Rehaif* instruction had been given." *Id.* at 870.

Judge Nelson concurred. He wrote separately to urge this Court to revisit *United States v. Morgan*, 346 U.S. 502 (1954), and to eliminate the writ of error coram nobis as ahistorical and superseded by positive law. 169 F.4th at 878 (Nelson, J., concurring). In his view, "the dissent's errors demonstrate just how far afield some judges will stretch a once-modest writ," and the writ should be "trimmed down to its appropriate historical size." *Id.*

Judge Desai dissented. She concluded that under settled Ninth Circuit precedent—*United States v. McClelland*, 941 F.2d 999, 1003 (9th Cir. 1991), and *United States v. Walgren*, 885 F.2d 1417, 1423–27 (9th Cir. 1989)—the omission of a jury instruction relieving the government of its burden to prove an essential element is fundamental error warranting coram nobis relief. 169 F.4th at 888–95 (Desai, J., dissenting). Mr. Cervantes-Torres satisfied even the majority's plain-error standard, because his trial testimony, his ten years of openly living as a card-carrying lawful permanent resident, his nineteen applications to the State of California for hunting tags, the USCIS officials' issuance of an extension sticker, and the prosecutor's instruction to the jury that knowledge of status was legally irrelevant collectively support a reasonable probability that a properly instructed jury would have found he did not "know" he was unlawfully present. *Id.*

The dissent observed that "the record supports opposing conclusions about Cervantes Torres' knowledge" and that "[t]he very fact that the record supports opposing conclusions . . . requires us to grant coram nobis relief." *Id.* at 893. The dissent further described Mr. Cervantes-Torres's showing as more substantial than that of any *Rehaif* claim the Ninth Circuit had previously denied. *Id.* at 894–95 & n.6.

REASONS FOR GRANTING THE PETITION

This petition presents an important federal question that this Court should resolve. The question—what showing is required for coram nobis relief from a pre-*Rehaif* conviction, and whether reviewing courts may resolve that question by weighing disputed evidence on a record developed under the rejected legal standard—is squarely presented by the panel's three-way split. The decision below is incorrect on its own terms and incompatible with this Court's holdings in *Rehaif* and *In re Winship,* 397 U.S. 358 (1970). And this case is an ideal vehicle: a single dispositive issue, a clear record, and serious collateral consequences.

I. The Case Raises Important Federal Questions That This Court Should Resolve.

This Court's decision in *Rehaif v. United States*, 588 U.S. 225 (2019), substantively changed the elements of 18 U.S.C. § 922(g). Before *Rehaif*, defendants convicted under § 922(g) had no occasion to litigate knowledge of status because the law treated that fact as legally irrelevant. *Rehaif* held otherwise: a § 922(g) conviction requires proof beyond a reasonable doubt that the defendant knew of the prohibited status. *Id.* at 237. That holding has produced a steady stream of collateral attacks by defendants—like Mr. Cervantes-Torres—whose trials predated this Court's decision and whose juries were therefore not instructed on knowledge.

These cases pose a recurring question about the standard governing post-conviction relief when the jury was not instructed on an essential element of the crime under the law in effect at trial. The lower courts have wrestled with whether such errors are categorically fundamental, whether they are subject to plain-error review on a probability-of-different-outcome inquiry, or whether they are subject to the more demanding cause-and-prejudice standard. *See*, *e.g., United States v. DeCastro*, 49 F.4th 836, 847 (3d Cir. 2022) (coram nobis petitioner raising *Rehaif* claim must establish cause for why he had not preserved the issue in the district court or on appeal and that the lack of proof "worked to his actual and substantial disadvantage, infecting his entire trial with error of constitutional dimensions," or alternatively, actual innocence); *Bereano v. United States*, 706 F.3d 568, 576–79 (4th Cir. 2013) (district court's error in wrongly instructing jury it could convict petitioner of mail fraud on the honest services fraud theory was harmless and thus not an error of the most fundamental character for writ of coram nobis); *United States v. Fowler*, 891 F.2d 1165 (5th Cir. 1990) (affirming grant of coram nobis where jury instructions and government's presentation permitted conviction for mail fraud crime on honest services fraud theory); *United States v. Keane*, 852 F.2d 199 (7th Cir. 1988) (denying coram nobis relief to former public official convicted of mail fraud on intangible rights theory).

This Court has not addressed the standard, and the panel decision below illustrates why guidance is needed. The majority assumed without deciding that direct-appeal plain-error review governed. *Cervantes-Torres*, 169 F.4th at 873. The dissent maintained that the omission of an essential element is itself fundamental error. *Id.* at 888–89 (Desai, J., dissenting) (citing *McClelland*, 941 F.2d at 1003; *Walgren*, 885 F.2d at 1423–27). The concurrence would have eliminated the writ altogether. *Id.* at 1109 (Nelson, J., concurring). This disagreement—among judges of the same panel applying the same precedent—illustrates the challenge courts face in deciding coram nobis petitions where the jury instructions omitted an essential element of the offense.

The issue is important. *Rehaif* errors deprive defendants of a properly instructed jury on the only element that distinguishes lawful from unlawful firearms possession. *See* 588 U.S. at 232. The consequences extend beyond the criminal sentence itself: as this case illustrates, a § 922(g)(5)(A) conviction may carry serious immigration consequences.

II. The Decision Below Is Wrong.

A. The Decision Cannot Be Reconciled With This Court's Holding That the Government Must Prove Every Element Beyond a Reasonable Doubt.

This Court has long held that the Due Process Clause requires the government to prove every element of the offense beyond a reasonable doubt. *In re Winship*, 397 U.S. at 364. *Rehaif* made knowledge of prohibited status an essential element of every § 922(g) offense. 588 U.S. at 237. The trial below took place under a different legal framework, in which knowledge was not an element. The jury was told that knowledge did not matter, and the prosecutor told the jury in closing that "the government does not have to prove the defendant knew he was not allowed to reenter the United States." *Cervantes-Torres*, 169 F.4th at 894 (Desai, J., dissenting)

The result is a conviction on a theory of guilt that *Rehaif* has since rejected. As the dissent below observed, "the record demonstrates that Cervantes Torres was convicted on an erroneous theory of guilt, a fundamental error that 'rendered the proceeding itself irregular and invalid.'" *Id.* at 893 (Desai, J., dissenting) (quoting *Morgan*, 346 U.S. at 509 n.15). That is the kind of error this Court has described as fundamental under *United States v. Mayer*, 235 U.S. 55, 69 (1914) (writ available where the error "rendered the proceeding itself irregular and invalid").

The majority's contrary holding rests on a misreading of this Court's harmless-error and plain-error decisions. In *Greer v. United States*, 593 U.S. 503 (2021), this Court held that *Rehaif* error in a § 922(g)(1) prosecution is not categorically structural and is reviewed under Rule 52(b)'s plain-error standard on direct appeal. *Id.* at 513–14. But *Greer* did not hold that *Rehaif* error can never be fundamental. And *Neder v. United States*, 527 U.S. 1 (1999), held that the omission of an element from the jury instructions is subject to harmless-error review on direct appeal, but it did not authorize an appellate court to weigh disputed evidence on a record developed under the wrong legal standard. *Id.* at 8–9. Where the very evidence of the defendant's state of mind was excluded as legally irrelevant, neither *Greer* nor *Neder* permits a reviewing court to declare the error harmless on the truncated trial record.

B. The Panel Acted as Factfinder on a Record Developed Under the Wrong Legal Standard.

The majority's analysis converts post-conviction review into a substitute for the jury. The trial facts on which the majority relied—physical deportation, the I-90 statement, the USCIS denial letter, and the expired extension sticker—are all consistent with knowledge of unlawful status, but they are also consistent with a good-faith belief that the deportation was an error that had been corrected when Mr.

Cervantes-Torres reentered the country with his green card and lived openly for ten years as a card-carrying lawful permanent resident.

The dissent below catalogued the countervailing evidence in detail. *Cervantes-Torres*, 169 F.4th at 891–93 (Desai, J., dissenting). It included: the immigration judge's confusing 1996 colloquy and Mr. Cervantes-Torres's rapid release on bond despite the judge's statement that he was ineligible for release; his admission at a port of entry by border patrol officers who examined his green card; his nineteen applications to the State of California for hunting tags; his continued driving on a valid California license; his payment of taxes; his successful effort to vacate the underlying state conviction; and the USCIS officials' issuance of an extension sticker that, on its face, made his green card appear valid through April 2013. *Id.* The dissent observed that "Cervantes-Torres received conflicting information from various official immigration sources" and that "[o]n this record, a reasonable jury could find that Cervantes Torres did not 'know' he was in the country unlawfully." *Id.* at 893.

This is not a record on which an appellate court should pronounce knowledge "overwhelming." It is, at minimum, a record that "supports opposing conclusions," *id.* at 893, and one on which "[a]t this stage it does not matter" what the reviewing court itself would conclude, because the reasonable-probability standard does not require certainty of acquittal—it requires only "a probability sufficient to undermine confidence in the outcome." *Id.* (quoting *United States v. Leonti*, 326 F.3d 1111, 1122 (9th Cir. 2003)).

The problem is compounded by what the trial court excluded. Under the pre-*Rehaif* regime, Mr. Cervantes-Torres's subjective beliefs about his immigration status were treated as legally irrelevant. He was prevented from testifying about his state of mind. *See Cervantes-Torres*, 169 F.4th at 893 (Desai, J., dissenting) ("[W]hen Cervantes Torres attempted to testify as to why the letter did not change his mind about his status, the district court cut him off."). The majority's harmless-error analysis treats the gaps in the record—gaps created by the rule *Rehaif* later rejected—as if they were proof of knowledge. The result is to insulate from collateral relief precisely the category of errors *Rehaif* identified.

Where, as here, the controlling legal standard at trial caused the exclusion of the very evidence relevant to the new element, the reviewing court cannot fairly weigh that evidence as if it had been fully developed. *Cf. Cervantes-Torres*, 169 F.4th at 894 (Desai, J., dissenting) ("If a two-day trial was necessary to dispel ambiguity about Cervantes-Torres's immigration status, it follows that Cervantes-Torres himself might be confused about whether he was in the country unlawfully.").

III. This Case Is an Ideal Vehicle.

This case cleanly presents the questions on which review is sought. *First*, the record is complete. The case has been argued and briefed three times—at the district court, on appeal, and on rehearing—by the same counsel before the same judges, with the panel issuing an amended opinion after considering the rehearing petition. No further factual development is needed.

Second, the questions presented are dispositive. The Ninth Circuit affirmed solely on the ground that the *Rehaif* error was not of the "most fundamental character." *Cervantes-Torres*, 169 F.4th at 877. If this Court holds that the omission of an essential element is fundamental error, or that a reviewing court may not weigh disputed *mens rea* evidence on a record developed under the rejected legal standard, Mr. Cervantes-Torres is entitled to relief.

Third, the case implicates serious collateral consequences. Mr. Cervantes-Torres's pending application for withholding of removal turns on whether his § 922(g)(5)(A) conviction stands. He has served his prison sentence; the conviction's only remaining function is to support his removal. That is precisely the category of post-custody injury that coram nobis was designed to address.

Fourth, the questions presented are framed for review by a panel that has fully aired the relevant disagreements. The majority, concurrence, and dissent below collectively span twenty-seven pages and discuss virtually every authority that bears on the questions presented. The result is a record well suited to review.

CONCLUSION

On the basis of the foregoing, the Court should grant the petition for writ of certiorari to resolve this important federal question.

Date: May 27, 2026

Respectfully Submitted,

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