

No. 25-7532

IN THE SUPREME COURT OF THE UNITED STATES

JULIAN SNIPE, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 14-19) that he should be permitted to appeal his sentence notwithstanding a provision in his plea agreement waiving that right (subject to certain exceptions not applicable here), see Pet. App. 21a-22a, on the theory that his sentence was “unconstitutional” and that enforcing the waiver would be a “miscarriage of justice.” Pet. 17. In Hunter v. United States, 146 S. Ct. 1702 (2026), this Court held that a defendant’s “agreement not to appeal a sentence is unenforceable when it would result in a miscarriage of justice -- meaning, when it would leave in place the kind of egregious error that would bring the judicial

system into disrepute.” Id. at 1708. The Court declined to apply its holding to the facts of that case, choosing instead to allow the court of appeals to decide whether enforcement of the appeal waiver would amount to a miscarriage of justice under the standard described in the Court’s opinion. Consistent with this Court’s treatment of other petitions challenging the enforceability of appeal waivers for sentencing claims, the appropriate course would be to grant the petition for a writ of certiorari, vacate the judgment of the court of appeals, and remand for further consideration in light of Hunter.*

Respectfully submitted.

D. JOHN SAUER
Solicitor General

AUGUST 2026

* The government waives any further response to the petition for a writ of certiorari unless this Court requests otherwise.