

No. ____-____

IN THE

Supreme Court of the United States

JEFFREY HENRY WILLIAMSON,

Petitioner,

v.

UNITED STATES,

Respondent.

**On Petition for a Writ of Certiorari to the
United States Court of Appeals for the District of Columbia Circuit**

PETITION FOR A WRIT OF CERTIORARI

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June 4, 2026

QUESTION PRESENTED

Congress, in a comprehensive set of statutes, 18 U.S.C. §§ 4241-4248, provided procedures and standards for examinations and detention of federal defendants suffering from various mental health issues. In § 4246(a), Congress provided for the civil commitment of certain persons, including those such as petitioner. The statute sets forth the procedures for determining whether the person should be committed, which are triggered when the “director of a facility in which a person is hospitalized certifies that a person in the custody of the Bureau of Prisons”:

against whom all criminal charges have been dismissed solely for reasons related to the mental condition of the person, is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another, and that suitable arrangements for State custody and care of the person are not available.

That certification is sent to the clerk of the district court “for the district in which the person is confined” for commitment proceedings. The filing of a certificate “stay[s] the release of the person pending the completion of procedures contained in this section.”

No certificate was filed in the present case, yet the district court presiding over Mr. Williamson’s criminal case ordered his commitment for an examination to allow the director of the BOP facility to determine whether to issue a certificate to initiate commitment proceedings.

That order raises the question presented:

Whether the district court can, contrary to the plain language of the statute, order an examination of a person under 18 U.S.C. § 4246 where the director of the facility in which the person is confined has not filed any certificate to commence § 4246 proceedings.

PARTIES TO THE PROCEEDING

Petitioner is Jeffrey Henry Williamson.

Respondent is the United States of America.

No corporate parties are involved in this case.

RELATED CASES

This case arises from the following proceedings in the District Court for the District of Columbia and the Court of Appeals for the District of Columbia Circuit.

United States v. Williamson
No. 24-3014 (D.C. Cir.); and

United States v. Williamson
No. 20-cr-195-RBW (D.D.C.)

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(D.C. Cir. Dec. 12, 2025)

Appendix B: Order Granting Government’s Motion for An Evaluation, *United
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Appendix C: Order Denying Rehearing *En Banc*, *United States v. Williamson*,
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Jeffrey Henry Williamson respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the District of Columbia Circuit in this case.

OPINIONS BELOW

The opinion of the D.C. Circuit appears in the Appendix at A1-23 and is reported at 161 F.4th 803. The district court's order appears in the Appendix at B1-2 and is unpublished.

JURISDICTION

The D.C. Circuit decided the appeal on December 12, 2025. Timely petitions

for rehearing and rehearing en banc were denied by the D.C. Circuit on March 10, 2026.

This Court has jurisdiction under 28 U.S.C. § 1254(1).

STATUTES INVOLVED

18 U.S.C. § 4246(a) & (b) provide in relevant part:

§ 4246. Hospitalization of a person due for release but suffering from mental disease or defect

(a) Institution of proceeding.—If the director of a facility in which a person is hospitalized certifies that a person in the custody of the Bureau of Prisons whose sentence is about to expire, or who has been committed to the custody of the Attorney General pursuant to section 4241(d), or against whom all criminal charges have been dismissed solely for reasons related to the mental condition of the person, is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another, and the suitable arrangements for State custody and care of the person are not available, he shall transmit the certificate to the clerk of court for the district in which the person is confined. The clerk shall send a copy of the certificate to the person, and to the attorney for the Government, and if the person was committed pursuant to section 4241(d), to the clerk of the court that ordered the commitment. The court shall order a hearing to determine whether the person is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another. A certificate filed under this subsection shall stay the release of the person pending completion of procedures contained in this section.

(b) Psychiatric or psychological examination and report.—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant may be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247(b) and (c).

18 U.S.C. § 4247(b) provides in relevant part:

(b) Psychiatric or psychological examination.—A psychiatric or psychological examination ordered pursuant to this chapter shall be conducted by a licensed or certified psychiatrist or psychologist, or, if the court finds it appropriate, by more than one such examiner. Each examiner shall be designated by the court, except that if the examination is ordered under section 4245, 4246, or 4248, upon the request of the defendant an additional examiner may be selected by the defendant. For the purposes of an examination pursuant to an order under section 4241, 4244, or 4245, the court may commit the person to be examined for a reasonable period, but not to exceed thirty days, and under section 4242, 4243, 4246, or 4248, for a reasonable period, but not to exceed forty-five days, to the custody of the Attorney General for placement in a suitable facility. Unless impracticable, the psychiatric or psychological examination shall be conducted in the suitable facility closest to the court. The director of the facility may apply for a reasonable extension, but not to exceed fifteen days under section 4241, 4244, or 4245, and not to exceed thirty days under section 4242, 4243, 4246, or 4248, upon a showing of good cause that the additional time is necessary to observe and evaluate the defendant.

STATEMENT OF THE CASE

Mr. Williamson was serving a federal sentence for making threats to an FBI agent when he was charged with writing threatening letters to the prosecutor and FBI agent in that case. During the pretrial proceedings, the district court ordered an examination for sanity at the time of the offense and present competency. The government doctor found that Mr. Williamson was competent but had a valid insanity defense, as he did “not have the mental capacity to conform his conduct to the requirements of the law.” 18 U.S.C. § 17. After receiving this report, the government moved to dismiss the charges but asked the district court to stay the order to allow the director of FCI Butner, where Mr. Williamson was in custody, to conduct an

examination to determine whether to file a certificate to begin proceedings to civilly commit Mr. Williamson for dangerousness under § 4246. Over Mr. Williamson's objection, the district court granted the motion but stayed it pending appeal.¹

On appeal, Mr. Williamson argued that under 18 U.S.C. § 4246, the district court's order was improper because the director of Butner, where Mr. Williamson was confined, had not filed a certificate to commence § 4246 proceedings. Mr. Williamson filed an interlocutory appeal of the order. The government agreed that the order was immediately appealable.

Both the court of appeals panel majority and the district court acknowledged that § 4246 did not provide for the procedure the district court adopted. Nonetheless, the panel majority affirmed the district court order.² The panel majority believed the district court's order made § 4246(a) "administratively workable" and that it did not "contradict the statute." 164 F.4th at 808. Judge Rao dissented on the ground that the court of appeals did not have jurisdiction to hear the appeal. 106 F.4th at 811.

REASONS FOR GRANTING THE PETITION

The panel majority opinion conflicts with the plain language of the statute, and thus with numerous opinions of this Court regarding the rules of statutory interpretation. In addition, the opinion conflicts with decisions of other courts of appeals.

¹ The district court has subsequently further stayed its order pending the filing and disposition of this petition.

I. The Court of Appeals Opinion Conflicts with this Court’s Decisions Regarding Statutory Interpretation.

The statutes dealing with mental health issues among federal defendants provide for psychological examinations in certain specific circumstances. *See* 18 U.S.C. § 4241(b) (examination to determine competency); § 4242(a) (examination to determine insanity at the time of the offense); § 4242(b) (examination of person found not guilty by reason of insanity); § 4244(b) (examination before sentencing of person found guilty); § 4245(b) (examination of person serving a sentence requiring transfer to a facility for treatment); § 4246(b) (examination prior to a dangerousness hearing, but only after issuance of a dangerousness certificate). Congress did not provide for an examination or evaluation in connection with the decision whether to issue a dangerousness certificate—it authorized an examination only after a certificate is filed. This Court’s case law is clear that in such a situation:

[W]e ordinarily resist reading words or elements into a statute that do not appear on its face. And [w]here Congress includes particular language in one section of a statute but omits it in another section of the same Act, we generally presume that Congress did so intentionally.

Fischer v. United States, 603 U.S. 480, 508 (2024) (citations omitted).

Congress obviously knew how to provide that a psychological examination could be conducted, as it did so in several provisions of the statute. And, in § 4246(a) itself, it provided for an examination, but only after the director of the facility issued a certificate. Congress provided no such provision with respect to the director’s

preliminary decision whether to issue a certificate. That alone should resolve this case. “A cardinal rule of statutory interpretation teaches that when we’re engaged in the business of interpreting statutes, we presume differences in language like this convey differences in meaning.” *Bowe v. United States*, 607 U.S. 13, 36-37 (2026). By reading words into § 4246 that are simply not there, the panel opinion directly conflicts with this Court’s cases.

The director of the facility in which a defendant is held—in Mr. Williamson’s case, FCI Butner—may file a certificate of dangerousness under § 4246(a). The court in North Carolina is then required to hold a hearing on the issue. Prior to the hearing, an exam of the defendant may be ordered, but that takes place only after a certificate has been issued. And, if an exam is ordered, under § 4247(b), the defendant is statutorily entitled to select an additional examiner, an entitlement that was foreclosed by the district court’s order that manufactured a whole new type of examination. The district court’s order bypasses the carefully crafted statutory procedure and starts at the last step of the straightforward process. The panel majority’s decision to affirm that procedure was error.

In Mr. Williamson’s case, the district court did not follow the statutory procedures but instead grafted on an additional step—an examination to determine whether to request an examination. The district court’s order granted the government’s motion for an “Evaluation Pursuant to 18 U.S.C. § 4246” and ordered that Mr. Williamson “be examined to determine whether the director of FCI Butner

should file a certificate pursuant to 18 U.S.C. § 4246.” That is not what Congress provided. If the government believes the statute needs this additional provision, the courts are not “the proper place to register that complaint”—the proper place to do so “is with those who drafted it.” *Rico v. United States*, 146 S. Ct. 947, 957 (2026). “This Court is not free to rewrite the directions Congress has provided.” *Id.*

The panel majority makes no mention of the rules of statutory construction in its opinion and is contrary to a number of them. Instead, the majority claims its ruling makes “§ 4246(a) administratively workable,” and acknowledges that it has to rely upon the court’s “inherent power.” 164 F.4th at 808. That simply “cannot be squared with the statutory text.” *Bowe*, 607 U.S. at 56 (Gorsuch, J., dissenting). So, “[i]f not from thin air, where could [the majority’s] rule possibly come from?” *Id.* at 58.

Moreover, the notion that the statute is somehow not “administratively workable” is incorrect. People subject to the statute, such as Mr. Williamson, have been in BOP custody for some time and have had examinations, treatment, and observation while in confinement. Indeed, Mr. Williamson has spent over a decade at Butner, including the last few years of his prior sentence at Butner and the six years of pretrial proceedings in this case.

II. The Court of Appeals Opinion Conflicts with the Decisions of Other Circuits.

The panel majority’s decision also conflicts with the opinions of other circuits. The Sixth Circuit has addressed § 4246 in several opinions. As the court explained in *United States v. Baker*, 807 F.2d 1315, 1323 (6th Cir. 1986):

The most significant provision of section 4246 for the purposes of this appeal is subsection (a). That provision specifies the procedures which are to be followed before a section 4246 commitment hearing is held. Specifically, the director of the mental health facility has the responsibility “to determine preliminarily whether the defendant should be released.” *Id.* at 3433. The director must certify three things: (1) that the individual is suffering from a mental disease or defect; (2) that his release would pose a substantial risk of bodily injury to another or serious damage to property of another; and (3) that suitable state arrangements for his care are not available. A certificate to this effect is to be transmitted to the clerk of the court for the district in which the individual is confined, and copies are to be mailed to the individual and the attorney for the government. “Upon receipt of the certificate,” *id.*, the district court must schedule and hold a hearing which complies with due process requirements to determine whether the individual is suffering from a mental disease or defect and whether his release would pose a threat of bodily injury or property damage.

The court in *Baker* further stated that:

A section 4246 hearing cannot be conducted and a section 4246 commitment order cannot be issued until it has been certified to the court that the state will not accept the individual.

Id. at 1324 (emphasis in original) (footnote omitted). The court in *Baker* also found that the statute specifically provided that:

a certificate must be filed in, and a section 4246 hearing must be held in, the district in which the individual is confined, not the district in which he had initially been charged with an offense.

Id. In *Hampton v. Hobbs*, 106 F.3d 1281, 1288 (6th Cir. 1997), the court stated:

The responsibility for filing a certificate under § 4246(a) lies with the director of the facility in which the convicted person is hospitalized, and it is not within the statutory authority either of the Government or of the district court to initiate § 4246 proceedings.

Likewise, in *United States v. Bonin*, 541 F.3d 399 (6th Cir. 2008), the court held that the “director’s certification” is a “necessary prerequisite to the

dangerousness hearing” and that “without the certification, a court ordinarily lacks statutory authority to conduct the hearing.” *Id.* at 401 (footnote omitted).

Perhaps one of the most comprehensive discussions of §§ 4241-48, appears in *United States v. Perkins*, 67 F.4th 583 (4th Cir. 2023). With respect to § 4246, the court in *Perkins* set forth the statutory procedures, which are straightforward.

First, the director of a facility files the certification of dangerousness, which “must be preceded by the facility director’s finding ‘that suitable arrangements for state custody and care of the person are not available.’ 18 U.S.C. § 4246(a).” *Id.* at 590.

Second, the filing of the “dangerousness certification triggers a hearing,” at which the defendant has certain rights. *Id.* One of those rights is to have an additional examiner selected by the defendant.

Third, “the district court is authorized” to order that an examination of the defendant may be conducted before the hearing. *Id.* The report of the examination, containing a number of specific items, “is then filed.” *Id.*

Finally, “[f]ollowing receipt of the examination report[s], the hearing convenes.” *Id.*

In *United States v. Cruz-Ruiz*, 585 F. Supp. 3d 167, 168 (D.P.R. 2022), the court also carefully reviewed the § 4246 procedures. The court found that a dangerousness hearing may be held only if the director of the institution issues a certificate that the

defendant's release would be dangerous *and* "suitable arrangements for state custody and care are unavailable." *Id.* at 170. The court reasoned:

The statute plainly states that Section 4246 proceedings **are only triggered following a proper certification by the director of the facility in which Defendant is hospitalized.** It is a well-established principle of statutory interpretation that "where, as here, the statute's language is plain, the sole function of the courts is to enforce it according to its terms." *United States v. Ron Pair Enterprises, Inc.*, 489 U.S. 235, 241 (1989) (internal quotation marks and citation omitted). While Section 4246(b) allows the court to order an examination of the defendant, a court only has authority to do so "[p]rior to the date of the hearing." Because the Court may not order the requisite hearing without a compliant certification, it follows that the Court may not order a pre-hearing evaluation without such a certification. Therefore, without a certification in this case, **the Court cannot order a dangerousness assessment.** See *United States v. Baker*, 807 F.2d 1315, 1323-24 (6th Cir. 1986) (stating that, in the absence of a certification and by failing to strictly adhere to the procedures outlined in Section 4246(a), the district court "lacked statutory authority" to commit the defendant).

Id. (bolded in original).

III. The Court of Appeals Relied Upon Cases That Do Not Address the Plain Language of the Statute.

The panel majority relied primarily on *United States v. Berry*, 142 F.4th 184, 190 (4th Cir. 2005), as support for its conclusion that the district court's order was proper. In *Berry*, however, the defendant did not challenge whether there could be an evaluation before the filing of a certificate by the director. Therefore, the decision contains no discussion of the validity of such a procedure, which is the primary issue in Williamson's appeal. Nor did the defendant in *Berry* challenge the authority of the district court that issued the order for the § 4246 evaluation. Thus, there was likewise no discussion of whether there was such authority. *Berry* is therefore inapposite.

The majority also relied on *United States v. Godinez-Ortiz*, 563 F.3d 1022 (9th Cir. 2009), in affirming the precertification § 4246 exam. In that case, the defendant had been found incompetent to stand trial. *Id.* at 1025. After the government moved to dismiss the case, the district court dismissed the charges without prejudice, stayed that dismissal, and ordered the defendant returned to Butner for 45 days to give the director an opportunity to determine whether to file a dangerousness certificate. *Id.* at 1026. The court in *Godinez-Ortiz*, without addressing the specific language of § 4246, stated that § 4246 “necessarily contemplates” the temporary commitment of that person before a certificate is filed so that the director can conduct the evaluation necessary to make the certification decision. *Id.* at 1031.

In *Oklahoma v. Castro-Huerta*, 597 U.S. 629 (2022), this Court rejected an almost identical argument:

The fundamental problem with Castro-Huerta's implicit intent argument is that the text of the General Crimes Act says no such thing. . . . As this Court has repeatedly stated, the text of a law controls over purported legislative intentions unmoored from any statutory text. The Court may not “replace the actual text with speculation as to Congress' intent.” Rather, the Court “will presume more modestly” that “the legislature says what it means and means what it says.”

Id. at 642 (citations omitted). Thus, *Godinez-Ortiz* cannot support the panel majority's decision.

The majority's claim that the district court's order “did not prescribe a ‘psychiatric examination’—under § 4246 or otherwise” is flatly wrong. 161 F.4th at 808. In fact, a licensed clinical psychologist at Butner sent a letter to the parties after

the court of appeals decision stating that Williamson “has been ordered to undergo a forensic evaluation pursuant to the provisions of Title 18, U.S.C., Section 4246.” The letter does not even mention a certificate, but instead refers to a “comprehensive initial risk assessment” and to the “timely completion of the examination.”

In the end, the majority contends that the “inherent powers” of the district court allow it to “respond to specific problems when doing so does not contradict any express rule or statute.” *Williamson*, 161 F.4th at 809. But authorizing an evaluation nowhere authorized by Congress in a comprehensive statutory scheme is not an inherent power, it is a rewriting of the statute to provide a procedure that Congress did not provide, apparently to “respond to” what the majority perceives “as specific problems” in the statute. *Id.*

IV. Judge Rao’s Jurisdictional Argument is Incorrect.

Judge Rao’s dissent on jurisdictional grounds, which was rejected by the majority, is incorrect both factually and legally. It also omits mention of the fact that the government agreed in both the court of appeals and the district court that the order was properly appealable. The attempt to distinguish *United States v. Weissberger*, 951 F.2d 392 (D.C. Cir. 1991), is unavailing. The district court’s order does not “simply leave [] Williamson in pretrial detention.” 161 F.4th at 813. The district court dismissed the indictment, but stayed that dismissal, putting Mr. Williamson in a strange status of custody after dismissal. Judge Rao also erred in claiming that the order “does not mandate a psychiatric examination,” but simply

permits the § 4246 evaluation for dangerousness. *Id.* This overlooks both the fact that the statute permits no such pre-certificate evaluation and that an examination is exactly what the district court ordered, as discussed above. Moreover, Judge Rao points to no case involving the claim raised by Mr. Williamson that found an interlocutory appeal was improper—in fact, in addition to *Weissberger*, in *Godinez-Ortiz*, the court extensively reviewed whether such an interlocutory appeal was proper and concluded it was, as it satisfied “each requirement of the collateral order doctrine.” 563 F.3d at 1029.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

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