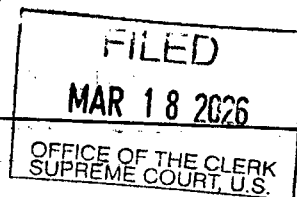


25-7618

NO. 3:19-cr-9
NO. 24-40703
NO. 25A894



IN THE SUPREME COURT
OF THE UNITED STATES

GEORGE JIMENEZ -PETITIONER

v.

UNITED STATES OF AMERICA -RESPONDENT

PETITION FOR WRIT OF CERTIORARI TO
THE UNITED STATES COURTS OF APPEAL FOR THE FIFTH CIRCUIT

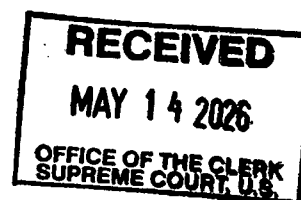
PETITION FOR WRIT OF CERTIORARI

RESPECTFULLY SUBMITTED,

S/ *George Jimenez*

GEORGE JIMENEZ #93155-479
OAKDALE FCI 1
P.O. BOX 5000
OAKDALE, LA 71463

PETITIONER - PRO SE



QUESTIONS PRESENTED

1. SHOULD THE COURTS USE THE SUBJECTIVE OR OBJECTIVE APPROACH TO CONVICT FOR VIOLATING THE 18 U.S.C. § 2256 "LASCIVIOUS EXHIBITION" ELEMENT?

2. IS THE LACK OF A STATUTORY DEFINITION FOR "PUBIC ARE" UNCONSTITUTIONALLY VAGUE? BECAUSE IT COULD INCLUDE PHOTOS OF THE LOWER STOMACH?

PARTIES INVOLVED

THE FOLLOWING PARTIES HAVE INTEREST IN THE OUTCOME OF THIS CASE:

- 1). JIMENEZ, GEORGE - DEFENDENT/APPEALANT
- 2). UNITED STATES OF AMERICA

STATEMENT OF RELATED PROCEEDINGS

THIS CASE ARISES FROM THE FOLLOWING:

1. UNITED STATES VS JIMENEZ, CASE NO. 3:19-cr-9 (SD TEX 2024)

2. UNITED STATES VS JIMENEZ, NO. 24-40703 (5th CIR 2025)

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PETITION FOR WRIT CERTIORARI

PETITIONER, GEORGE JIMENEZ, RESPECTFULLY PRAYS THAT A WRIT OF CERTIORARI ISSUE TO REVIEW THE UNITED STATES COURT OF APPEAL FOR THE FIFTH CIRCUIT JUDGEMENT BELOW.

OPINION

THE OPINION OF THE UNITED STATES COURT OF APPEALS IS REPORTED AT: UNITED STATES VS. JIMENEZ, 2025 U.S. APP LEXIS 28231; 2025 LX 421399. THE OPINION FOR THE DISTRICT COURT IS UNPUBLISHED.

JURISDICTION

THE DATE ON WHICH UNITED STATES COURTS OF APPEAL FOR THE FIFTH CIRCUIT AFFIRMED, OCTOBER 28, 2025. ON NOVEMBER 14, 2025 THE CASE CLOSED. NO PETITION FOR REHEARING WAS FILED IN TIME. AN EXTENSION OF TIME TO FILE PETITION FOR WRIT OF CERTIORARI WAS GRANTED BY JUSTICE ALITO, WHO ON FEBRUARY 10, 2026, EXTENDED THE TIME TO MARCH 27, 2026. AN APPLICATION No. 25A894 WAS GIVEN.

RELEVANT STATUTORY PROVISION

JIMENEZ WAS INDICTED IN COUNT ONE AS FOLLOWS:

GEORGE JIMENEZ, DID USE A FACILITY AND MEANS OF INTERSTATE AND FOREIGN COMMERCE TO KNOWINGLY PERSUADE, INDUCE, ENTICE AND COERCE, AND TO KNOWINGLY ATTEMPT TO PERSUADE, INDUCE, ENTICE AND COERCE, P.W., AN INDIVIDUAL WHO HAD NOT ATTAINED THE AGE OF 18 YEARS, TO ENGAGE IN SEXUAL ACTIVITY FOR WHICH THE DEFENDANT COULD BE CHARGED WITH A CRIMINAL OFFENSE, SPECIFICALLY, SEXUAL EXPLOITATION OF CHILDREN PURSUANT TO 18 UNITED STATES CODE, SECTION 2251(a) AND (e), IN VIOLATION OF TITLE 18, UNITED STATES CODE, SECTIONS 2422(b) & (2).

JIMENEZ WAS CONVICTED UNDER 18 U.S.C. § 2422(b), WHICH STATES:

WHOEVER... KNOWINGLY PERSUADES, INDUCES, ENTICES, OR COERCES ANY INDIVIDUAL WHO HAS NOT ATTAINED THE AGE OF 18 YEARS, TO ENGAGE IN PROSTITUTION OR ANY SEXUAL ACTIVITY FOR WHICH ANY PERSON CAN BE CHARGED WITH A CRIMINAL OFFENSE, OR ATTEMPTS TO DO SO, SHALL BE FINED UNDER THIS TITLE AND IMPRISONED NOT LESS THAN 10 YEARS OR FOR LIFE.

18 U.S.C.S. § 2422.

AS ITS PREDICATE OFFENSE UNDER SECTION 2422, THE GOVERNMENT ALLEGED "SEXUAL EXPLOITATION OF CHILDREN," WHICH STATES:

ANY PERSON WHO EMPLOYS, USES, PERSUADES, INDUCES, ENTICES OR COERCES ANY MINOR TO ENGAGE IN,.... WITH THE INTENT THAT SUCH MINOR ENGAGE IN, ANY SEXUALLY EXPLICIT CONDUCT FOR THE PURPOSE OF PRODUCING ANY VISUAL DEPICTION OF SUCH CONDUCT... SHALL BE PUNISHED AS PROVIDED UNDER SUBSECTION (e).

18 U.S.C. § 2251(a)

"[S]EXUALLY EXPLICIT CONDUCT" UNDER 2251(a) MEANS ACTUAL OR SIMULATED:

- (i) SEXUAL INTERCOURSE, INCLUDING GENITAL-GENITAL, ORAL-GENITAL, ANAL-GENITAL, OR ORAL-ANAL, WHETHER BETWEEN PERSONS OF THE SAME OR OPPOSITE SEX;
- (ii) BESTIALITY;
- (iii) MASTURBATION;
- (iv) SADISTIC OR MASOCHISTIC ABUSE; OR
- (v) LASCIVIOUS EXHIBITION OF THE ANUS, GENITALS, OR PUBIC AREA OF ANY PERSON;

18 U.S.C. § 2256(2)(A).

STATEMENT OF THE CASE

1. I WAS ARRESTED ON MAY 16, 2019.
2. I WAS INDICTED IN JUNE OF 2019 FOR 2 COUNTS OF COERCE AND ENTICEMENT 18 USC § 2422(b) AND 5 COUNTS OF SENDING OBSCENE MATERIAL TO A MINOR, 18 USC § 1470.
3. ON APRIL 3, 2024 I PROCEEDED TO A BENCH TRIAL ON STIPULATED FACTS FOR COUNT 1.
4. MY TRIAL ATTORNEY, DAVID, ARGUED THE REQUEST I MADE DID NOT MEET THE STANDARD DEFINITION OF CHILD PORNOGRAPHY UNDER STATUE 18 USC § 2256(a)(5), "LASCIVIOUS EXHIBITION" OF THE PUBIC AREA.
5. AT THE END OF TRIAL MY LAWYER ASKED FOR A JUDGEMENT OF ACQUITTAL; JUDGE DENIED.
6. ON OCTOBER 16, 2024 JUDGE JEFFREY BROWN SENTENCED ME TO AN UPWARD VARIANCE OF A MAX SENTENCE OF 240 MONTHS. THE GOVERNMENT DISMISSED COUNTS 2,5,6, AND 7: I PLEADED GUILTY TO COUNTS 3 AND 4.
7. ON OCTOBER 28, 2024 I FILE A NOTICE OF APPEAL AND IN THE MONTH OF NOVEMBER 2024 MARK YANIS BECAME MY APPEAL ATTORNEY. IN NOVEMBER 2025 I CONTACTED MARK YANIS BY PHONE AND HE TOLD ME THE APPEALS COURT AFFIRMED ON OCTOBER 28, 2025 AND MENTIONED HE SENT ME THE OPINION.
8. WHEN I RECIEVED THE OPINION ON DECEMBER 29, 2025, I NOTICED THE JUDGE WHO WROTE THE OPINION, CARL E. STEWART WROTE THE OPINION ON FALSE FACTS OF THE CASE. HE INDICATED A.S., AS THE ALLEGED VICTIM WHO IS MARIA'S DAUGHTER, MY EX-GIRLFRIEND. THE ACTUAL ALLEGED VICTIM IN COUNT ONE IS P.W.
- 9 . ON JANURARY 8, 2026, 10 DAYS AFTER RECIEVING THE OPINION I SENT A MOTION TO THE FIFTH CIRCUIT COURT OF APPEAL REQUESTING AN EN BANC HEARING FOR THE DISCOVERED PLAIN ERROR IN THE DISTRICT COURT MEMORANDUM AND FINDING OF FACTS BY JUDGE JEFFREY BROWN STATING FALSE FACTS AND THE PLAIN ERROR BY JUDGE CARL STEWART IN THE FIFTH CIRCUIT COURT OF APPEAL FOR STATING A.S. AS THE MV-1, WHEN A.S. IS NOT PART OF THE INDICTMENT, AND TO TAKE INTO CONSIDERATION THE CPPA AND THE PROTECT ACT DEFINITION OF "LASCIVIOUS EXHIBITION".
10. ON FEBRUARY 18, 2026 MY MOTHER CALLED THE APPEALS COURT TO FIND OUT ABOUT THE MOTION FOR EN BANC AND THE CLERK TOLD MY MOM THE CASE HAD BEEN CLOSED SINCE NOVEMBER 14, 2025.

REASON FOR GRANTING WRIT

1. PER RULE 10(a): A UNITED STATES COURT OF APPEAL HAS ENTERED A DECISION IN CONFLICT WITH THE DECISION OF ANOTHER UNITED STATES COURT OF APPEAL ON THE SAME IMPORTANT MATTER. THIS CASE PROVIDES A SUITABLE VEHICLE FOR RESOLVING THE ISSUE OF THE CIRCUIT SPLIT; TO PROSECUTE FOR THE OBJECTIVE STANDARD VERSES THE SUBJECTIVE.

A) THIS CASE BOILS DOWN TO ONE SIMPLE QUESTION: DETERMINING WHETHER A PHOTO DISPLAYS A "LASCIVIOUS EXHIBITION" OF THE PUBIC AREA. AN OBJECTIVE STANDARD NECESSARILY MUST BE IMPLIED. IN FACT, AN OBJECTIVE IS CLEARLY IMPLIED BECAUSE THE FOCUS OF THE STATUE IS NOT ON THE REQUESTORS SUBJECTIVE INTENT BUT RATHER THE PHOTOS CONTENT. IF A SUBJECTIVE STANDARD WERE APPLIED NATIONALLY THERE WOULD BE NO POINT IN EVEN REVIEWING THE PHOTOS BUT RATHER SOLELY INTERVIEWING THE INDIVIDUAL WHO TOOK THE PHOTO OR REQUESTED IT TO DETERMINE THEIR INTENT.

B) INDEED CONGRESSIONAL INTENT IS FOCUSED ON STEMMING THE PRODUCTION AND DISTRIBUTION OF PORNOGRAPHIC MATERIAL CONTAINING CHILDREN, SO THE FOCUS MUST BE WHETHER THE CONTENT IS A "LASCIVIOUS EXHIBITION". IN THIS CASE, MR. JIMENEZ SAID TO MV-1 P.W. AFTER LEARNING SHE SHAVED HER PUBIC AREA "CAN I SEE IT? JUST THE TOP HALF." THEN MADE 2 MORE REQUEST FOR THE PUBIC AREA PICTURE. NOTING SPECIFIC. WITH THE SUBJECTIVE STANDARD ANYONE CAN BE AT RISK TO BE IN POSSESSION OR REQUESTING A PHOTO, LIKE MR. JIMENEZ DID, THATS VAGUE AND BE SENTENCED TO A LENGTHY TIME. A PICTURE WAS NEVER PRODUCED FOR MR. JIMENEZ. UNITED STATES VS. COURTARD, 929 F.3d 186 (4TH CIR 2019) [2019 US APP LEXIS 14], UNITED STATES VS. JIMENEZ (5TH CIR 2025), 2025 U.S. APP LEXIS 28231; 2025 LX 421399 [2025 U.S. APP LEXIS 2,3], UNITED STATES VS. BROWN, 579 F.3d 672 (6th CIR. 2009) [2009 U.S. APP LEXIS 24]. COURTARD, JIMENEZ AND BROWN WERE FOUND GUILTY BY THE SUBJECTIVE STANDARD.

C) WHERE IS THE LINE DRAWN? WHERE SPECIFICALLY IS THE PUBIC AREA OR REGION? PER GOOGLE SEARCH, "THE PUBIC REGION STARTS AT THE LOWER ABS, JUST BELOW THE WAIST LINE, DOWN TO THE TOP OF THE THIGHS". WHERE IS THE WAISTLINE? THE AMERICAN HERITAGE DICTIONARY 2012 EDITION DEFINES WAISTLINE AS: "THE PART OF THE HUMAN TRUNK BETWEEN THE BOTTOM OF THE RIB CAGE AND THE PELVIS". THE WAISTLINE IS SLIGHTLY ABOVE AND BELOW THE NAVEL. PER GOOGLE SEARCH: "THE NAVEL OF THE FEMALE GENDER TO THE TOP PART OF HER GENITALIA IS 5 TO 8 INCHES". HOW FAR UP OR DOWN, WITHIN THAT SPACE, IS THE PUBIC AREA AND WHAT PART IS NOT?

A SCHOOL IN LAREDO, TEXAS BANNED JEANS CALLED "HIP HUGGERS", FOR THE FEMALE GENDER, BECAUSE THEY CLEARLY SHOWED TOO MUCH OF THEIR LOWER ABS, BELOW THE WAISTLINE, THE PUBIC REGION.

D) WITHOUT A NATIONALLY UNIFORMED OBJECTIVE STANDARD AN INNOCENT PICTURE TAKEN COULD BE CLASSIFIED AS CHILD PORNOGRAPHY IN A CIRCUIT THAT PROSECUTES UNDER THE SUBJECTIVE STANDARD. UNITED STATES VS. AMIRALTY, 173 F.3d 28 (1ST CIR. 1999) [1999 U.S. APP LEXIS 10-14]. THE APPELLATE COURT VACATED THE DISTRICT COURT SUBJECTIVE STANDARD FOR THE OBJECTIVE STANDARD. UNITED STATES VS. RIVERA, 546 F.3d 245 (2ND CIR. 2008) [2008 U.S. APP LEXIS 11], UNITED STATES VS. HEINRICH, 57 F.4TH 154 (3RD CIR 2023) [2023 U.S. APP LEXIS 9]. THESE 3 WERE PROSECUTED UNDER THE OBJECTIVE STANDARD. THE IMAGE JIMENEZ SOLICITED COULD NOT IN FACT CONSTITUTE A "LASCIVIOUS EXHIBITION" OF THE PUBIC AREA. AS SUPREME COURT HAS STATED, TO PASS CONSTITUTIONAL MUSTER, CHILD PORNOGRAPHY LAWS ONLY APPLY TO MATERIAL THAT "VISUALLY DEPICT SEXUAL CONDUCT", NEW YORK VS. FERBER, 458 U.S. 747, 764 (EMPHASIS IN ORIGINAL), AND THAT "IN FACT" DEPICT "SEXUALLY EXPLICIT CONDUCT", UNITED STATES VS. WILLIAMS, 553 U.S. 285 AT 301. THE COURT MADE CLEAR THAT THE FIRST AMENDMENT PROHIBITS CRIMINAL LIABILITY UNLESS THE PROSECUTION SHOWS THAT THE MATERIAL ITSELF "VISUALLY" AND "EXPLICITLY" SHOW THE PROHIBITED CONDUCT. MR. JIMENEZ NEVER SUGGESTED ANY POSES, SETTING, OR ACT THAT WOULD MAKE THE REQUESTED IMAGE OBJECTIVELY OR VISUALLY LASCIVIOUS. THE CPFA AND THE PROTECT ACT FALL IN LINE WITH THE SUPREME COURT PRECEDENTS AT UNITED STATES VS. WILLIAMS, 444 F. 3d 1286 (11TH CIR 2006) [2006 U.S. APP LEXIS 14 and 16]. THE DISTRICT OF COLUMBIA CIRCUIT FAITHFULLY APPLIED THE PRECEDENTS IN UNITED STATES VS. HILLIE, 14 F.4TH 677 (DISTRICT OF COLUMBIA CIR. 2021) [2021 U.S. APP LEXIS 22]. "LASCIVIOUS EXHIBITION" REFERS TO THE MINORS CONDUCT THAT THE VISUAL DEPICTION CAPTURES, NOT THE VISUAL DEPICTION ITSELF. THE COURT HELD THAT "LASCIVIOUS EXHIBITION" REQUIRES THAT THE MINOR "ENGAGE IN CONDUCT DISPLAYING THEIR ANUS, GENITALIA OR PUBIC AREA IN A LUSTFUL MANNER THAT CANNOTS THE COMMISSION OF SEXUAL INTERCOURSE". NO FIFTH CIRCUIT PANEL HAS MEANINGFULL ANALYZED THIS ISSUE. THE FIFTH CIRCUIT SHOULD FOLLOW SUPREME COURT PRECEDENT AND HOLD THAT OBJECTIVE ANALYSIS IS REQUIRED TO GOVERN ALL CIRCUITS OF THEIR SPLIT ON THE SUBJECTIVE OR OBJECTIVE STANDARD.

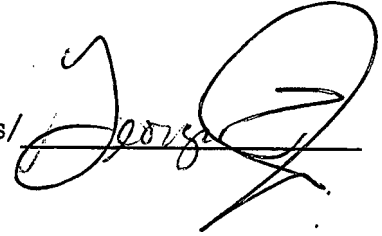
CONCLUSION

MR. JIMENEZ PRAYS THE WRIT OF CERTIORARI BE GRANTED.

CERTIFICATE OF SERVICE

I, GEORGE JIMENEZ CERTIFY ON THIS 18TH DAY OF MARCH 2026, I MAILED THE FOLLOWING PETITION FOR WRIT CERTIORARI TO THE CLERK OF THE UNITED STATES SUPREME COURT AT THIS ADDRESS:

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

/s/ 

ORIGINAL CERTIFIED MAIL:

9589 0710 5270 3459 7816 71

2nd CERTIFIED MAIL (05/05/2026):

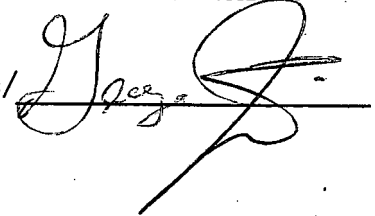
9589 0710 5270 0720 8291 93

3rd CERTIFIED MAIL:

7022 2410 0001 1429 9800 6-1-26

DECLARATION UNDER PENALTY

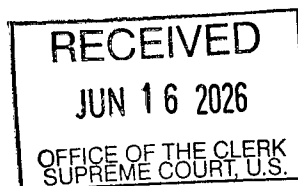
I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON THIS 18TH DAY OF MARCH 2026.

/s/ 

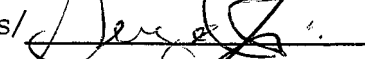
UNITED STATES FIFTH CIRCUIT OF APPEAL

UNITED STATES POSTAL SERVICE CERTIFIED MAIL (05/05/2026):

9589 0710 5270 0720 8292 16



RESPECTFULLY,

/s/ 

GEORGE JIMENEZ
REG.# 93155-479
FCI OAKDALE 1, P.O. BOX 5000
OAKDALE, LA 71463
PETITIONER - PRO SE