

No. _____

In the Supreme Court of the United States

Kelley Lynn Lamberson,
Petitioner,

v.

United States of America,
Respondent

On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Fifth Circuit

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Does 18 U.S.C. § 3583(g) comport with the Fifth and Sixth Amendments?

PARTIES TO THE PROCEEDING

Petitioner is Kelley Lynn Lamberson, who was the Defendant-Appellant in the court below. Respondent, the United States of America, was the Plaintiff-Appellee in the court below.

RELATED PROCEEDINGS

- *United States v. Lamberson*, No. 3:24-CR-508-1, U.S. District Court for the Northern District of Texas. Judgment entered on June 13, 2025.
- *United States v. Lamberson*, No. 25-10739, U.S. Court of Appeals for the Fifth Circuit. Judgment entered on April 7, 2026.

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Kelley Lynn Lamberson seeks a writ of certiorari to review the judgment and opinion of the United States Court of Appeals for the Fifth Circuit.

OPINION BELOW

The Fifth Circuit's unreported opinion is available at *United States v. Lamberson*, No. 25-10739, 2026 WL 938224 (5th Cir. Apr. 7, 2026)(unpublished). It is reprinted as Appendix A to this Petition. The district court's judgment is attached as Appendix B.

JURISDICTION

The panel opinion and judgment of the Fifth Circuit were entered on April 7, 2026. This Court has jurisdiction pursuant to 28 U.S.C. § 1254(1).

RELEVANT PROVISIONS

This Petition involves 18 U.S.C. § 3583(g), which states:

(g) Mandatory Revocation for Possession of Controlled Substance or Firearm or for Refusal To Comply With Drug Testing.—If the defendant—

(1) possesses a controlled substance in violation of the condition set forth in subsection (d);

(2) possesses a firearm, as such term is defined in section 921 of this title, in violation of Federal law, or otherwise violates a condition of supervised release prohibiting the defendant from possessing a firearm;

(3) refuses to comply with drug testing imposed as a condition of supervised release; or

(4) as a part of drug testing, tests positive for illegal controlled substances more than 3 times over the course of 1 year;

the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment not to exceed the maximum term of imprisonment authorized under subsection (e)(3).

The Fifth Amendment to the United States Constitution provides:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

The Sixth Amendment provides:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

STATEMENT OF THE CASE

A. Facts and District Court Proceedings

Petitioner Kelley Lynn Lamberson pleaded guilty to conspiracy to possess with intent to manufacture and distribute 50 grams or more of methamphetamine or 5 grams or more of methamphetamine (actual), in violation of 21 U.S.C. § 846 and § 841(a). Record in the Court of Appeals 27, 142. On February 16, 2023, a district judge sentenced her to 60 months of imprisonment and five years of supervised release. Record in the Court of Appeals 27-29.

Probation filed a Petition for Person Under Supervision on March 20, 2025 alleging that Ms. Lamberson had violated her supervised release by, among other things, using and possessing methamphetamine, as evidenced by seven positive drug tests within a one-year period. *See* Record in the Court of Appeals 35-41.

The Petition also stated that the judge was required to revoke the term of release by 18 U.S.C. § 3583(g)(1) and (g)(4). Record in the Court of Appeals 40. Those provisions make revocation mandatory when a releasee possesses a controlled substance or tests positive for a controlled substance more than three times over the course of one year. *See* Record in the Court of Appeals 40. Ms. Lamberson pleaded true to violating the terms of her supervised release. *See* Record in the Court of Appeals 67-73. The court revoked Ms. Lamberson's supervised release and sentenced her to 12 months of imprisonment, followed by 48 months of supervised release. *See* Record in the Court of Appeals 54-56.

B. Proceedings on Appeal

Ms. Lamberson appealed, arguing *inter alia* that the district court erred in applying the mandatory revocation provisions of 18 U.S.C. § 3583(g), because those provisions violate the Fifth and Sixth Amendments under the rationale of *United States v. Haymond*, 588 U.S. 634 (2019). See *United States v. Lamberson*, No. 25-10739, 2026 WL 938224 at *1 (5th Cir. Apr. 7, 2026)(unpublished). She conceded that her claim was foreclosed by circuit precedent, *see id.* (citing *United States v. Garner*, 969 F.3d 550 (5th Cir. 2020)), and the Court of Appeals affirmed, *see id.* at *2.

REASON FOR GRANTING THIS PETITION

- I. This Court should hold the instant Petition pending any plenary grant of certiorari addressing the question presented, which was reserved by the plurality in *United States v. Haymond*, 588 U.S. 634 (2019).

- A. This case presents an unaddressed question from *Haymond* regarding the continued viability of the mandatory revocation statute of 18 U.S.C. § 3583(g).

The Fifth and Sixth Amendments to the United States Constitution require that any fact that increases the defendant's maximum or minimum range of punishment be proven to a jury beyond a reasonable doubt. *See Apprendi v. New Jersey*, 530 U.S. 466 (2000); *Alleyne v. United States*, 570 U.S. 99 (2013). Sections 3583(g)(1) and (g)(4) of Title 18 compel the district court to impose a term of imprisonment when a defendant on supervised release possesses a controlled substance or tests positive more than 3 times over the course of one year. A straightforward application of *Alleyne*, therefore, would tend to show that the relevant fact must be proven to a jury beyond a reasonable doubt.

In *United States v. Haymond*, 588 U.S. 634 (2019), the Court addressed the constitutionality of 18 U.S.C. § 3583(k), which requires revocation and a five-year term of imprisonment when sex offenders on supervised release commit a new specified sex offense. A plurality of the Court found that the provision violates the jury trial guarantee of the Sixth Amendment, though they did not join a common opinion. *See Haymond*, 588 U.S. at 656 (Gorsuch, J., plurality op.); *Haymond*, 588 U.S. at 658 (Breyer, J., concurring).

A four-Justice plurality expressly reserved the question at issue in this case: whether 18 U.S.C. § 3583(g) violates the Fifth and Sixth Amendments:

Just as we have no occasion to decide whether § 3583(k) implicates *Apprendi* by raising the ceiling of permissible punishments beyond those authorized by the jury’s verdict, *see* n. 4, *supra*, we do not pass judgment one way or the other on § 3583(e)’s consistency with *Apprendi*. Nor do we express a view on the mandatory revocation provision for certain drug and gun violations in § 3583(g), which requires courts to impose “a term of imprisonment” of unspecified length.

Haymond, 588 U.S. at 652 n.7 (Gorsuch, J.)(plurality op.). Such reservations have previously foreshadowed grants of certiorari on the reserved issue, often promptly. Compare *Blakely v. Washington*, 542 U.S. 296, 305 n.9 (2004)(“The Federal Guidelines are not before us, and we express no opinion on them.”) with *United States v. Booker*, 543 U.S. 220 (2005)(rendering a holding on this question); compare *Voisine v. United States*, 579 U.S. 686, 694 n.4 (2016)(“Like *Leocal*, our decision today concerning § 921(a)(33)(A)’s scope does not resolve whether § 16 includes reckless behavior.”) with *Borden v. United States*, 593 U.S. 420 (2021)(rendering a holding on the question); *see also Voisine*, 579 U.S. at 689 (“ . . . we expressly left open whether a reckless assault also qualifies as a ‘use’ of force—so that a misdemeanor conviction for such conduct would trigger § 922(g)(9)’s firearms ban. . . . The two cases before us now raise that issue.”)(internal citations omitted)(citing *United States v. Castleman*, 572 U.S. 157, 169 n.8 (2014)).

B. This Court should grant certiorari to address the issue in another case, and hold the instant Petition pending the outcome.

This Court should grant certiorari to decide this momentous issue, and, if it does so in another case, should hold the instant Petition pending the outcome. *See Stutson v. United States*, 516 U.S. 163, 181 (1996) (Scalia, J., dissenting) (“We regularly hold cases that involve the same issue as a case on which certiorari has been granted and plenary review is being conducted *in order that* (if appropriate) they may be ‘GVR’d’ when the case is decided.”) (emphasis in original).

This is so notwithstanding the failure of preservation in the district court, which may ultimately occasion review for plain error. *See United States v. Olano*, 507 U.S. 725, 732 (1993). An error may become “plain” any time while the case remains on direct appeal. *See Henderson v. United States*, 568 U.S. 266 (2013).

Accordingly, Petitioner requests that the Court hold her petition pending any case that presents the issue reserved in *Haymond*, and then grant the petition, vacate the judgment below, and remand for reconsideration. *See Lawrence on behalf of Lawrence v. Chater*, 516 U.S. 163 (1996).

CONCLUSION

Petitioner asks this Court to grant certiorari to review the judgment of the United States Court of Appeals for the Fifth Circuit.

Respectfully submitted this 6th day of July, 2026.

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