

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

APPENDIX

JASON HAWKINS
Federal Public Defender
Northern District of Texas
TX State Bar No. 00759763
525 Griffin Street, Suite 629
Dallas, TX 75202
(214) 767-2746

/s/ Loui Itoh
LOUI ITOH **
Assistant Federal Public Defender
Northern District of Texas
D.C. Bar No. 1018988
819 Taylor Street, Room 9A10
Fort Worth, Texas 76102
(817) 978-2753

INDEX TO APPENDICES

Appendix A Opinion of Fifth Circuit, *United States v. Lamberson*,
No. 25-10739, 2026 WL 938224 (5th Cir. Apr. 7, 2026) (unpublished)

Appendix B Judgment and Sentence of the United States District Court
for the Northern District of Texas, entered June 13, 2025.
United States v. Lamberson, Dist. Court No. 3:24-CR-508-E

APPENDIX A

United States Court of Appeals for the Fifth Circuit

No. 25-10739
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 7, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

KELLEY LYNN LAMBERSON,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:24-CR-508-1

Before CLEMENT, RICHMAN, and WILLETT, *Circuit Judges*.

PER CURIAM:*

Kelley Lynn Lamberson pleaded true to violating the terms of her supervised release. Among other violations, Lamberson tested positive for amphetamine seven times in a span of two months, so revocation was mandatory under 18 U.S.C. § 3583(g). The district court sentenced her to twelve months of imprisonment to be followed by forty-eight months of

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

No. 25-10739

supervised release. Lamberson appealed, asserting that her supervised release sentence is substantively unreasonable and that § 3583(g) is unconstitutional under *United States v. Haymond*, 588 U.S. 634 (2019).

Turning first to the constitutional challenge, Lamberson argues for the first time on appeal that § 3583(g) violates the Fifth and Sixth Amendments by mandating a sentence of imprisonment based on facts found by a judge under a preponderance of the evidence standard. Lamberson acknowledges that her argument is foreclosed by *United States v. Garner*, 969 F.3d 550 (5th Cir. 2020), but she raises the issue to preserve it for further review.

As for her other challenge, Lamberson argues that her sentence of supervised release is substantively unreasonable because the district court considered the retributive sentencing factors listed in 18 U.S.C. § 3553(a)(2)(A) when determining her sentence. We review this issue for plain error. Although Lamberson requested a lower sentence than the one she received, she failed to preserve this specific objection because she “did not object to the district court’s reliance on an improper sentencing consideration.” *United States v. Cano*, 981 F.3d 422, 425 (5th Cir. 2020).

Generally, if a defendant violates a condition of supervised release, the district court has “broad discretion” to revoke the term of supervised release and impose a new term of imprisonment under 18 U.S.C. § 3583(e)(3). *United States v. Flores*, 130 F.4th 465, 471 (5th Cir. 2025). But the Supreme Court recently emphasized a statutory limitation to this discretion: When determining whether to revoke supervised release under § 3583(e), district courts may not consider the retributive factors captured in § 3553(a)(2)(A). *Esteras v. United States*, 606 U.S. 185, 194–95 (2025). That is, courts may not consider the need “to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense.” 18

No. 25-10739

U.S.C. § 3553(a)(2)(A). When a defendant argues on appeal that the district court impermissibly relied on § 3553(a)(2)(A) without first objecting to the district court, we must affirm “unless it is ‘clear’ or ‘obvious’ that the district court actually relied on § 3553(a)(2)(A)—because it did so either expressly or by unmistakable implication.” *Esteras*, 606 U.S. at 202–03 (quoting *United States v. Olano*, 507 U.S. 725, 734 (1993)).

Lamberson argues that the district court’s desire to exact retribution “dominated the revocation hearing.” When imposing the sentence, the district court acknowledged that Lamberson was “on supervised release for an incredibly serious crime.” “This whole thing is not all about fixing you,” the court continued. “I’ve got to protect the public.” The court further observed that Lamberson had “done absolutely nothing” the court had asked her to do, and while it recognized that Lamberson “clearly grapples with addiction,” the court emphasized that she “doesn’t just hurt herself when she acts out.” According to Lamberson, these statements show the district court’s desire to impose a sentence that reflects the seriousness of Lamberson’s underlying offense, promotes respect for the law, and provides just punishment.

On the contrary, the district court invoked only permissible sentencing factors when it imposed Lamberson’s revocation sentence. The court considered “the nature and circumstances of the offense” along with Lamberson’s “history and characteristics” to impose a sentence that protects the public from further crimes she may commit. *See* 18 U.S.C. § 3553(a)(1), (a)(2)(C). Further, the court recounted Lamberson’s history of noncompliance with the conditions of her supervised release and expressed its frustration with her breach of the court’s trust. The district court was allowed to consider all of these factors when revoking supervised release and imposing a new sentence. *Id.* § 3583(e); *see Cano*, 981 F.3d at 426. “Even if the district court’s inquiry could theoretically have been relevant to an

No. 25-10739

impermissible retributive purpose, we will not assume that the district court in fact had such a purpose in mind—at least where the only purposes the district court actually mentioned were permissible ones.” *United States v. Sanchez*, 900 F.3d 678, 685 (5th Cir. 2018). Thus, because the district court did not rely on § 3553(a)(2)(A) “either expressly or by unmistakable implication,” Lamberson has not shown plain error. *Esteras*, 606 U.S. at 203.

Even if the district court *did* rely on § 3553(a)(2)(A), Lamberson’s challenge still fails. Revocation was mandatory under § 3583(g). When a district court imposes a mandatory revocation sentence, it is not required to consider *any* of the § 3553(a) factors, and it is not clear error for the court to consider § 3553(a)(2)(A). *United States v. Illies*, 805 F.3d 607, 609 (5th Cir. 2015). *Esteras*—which addressed discretionary revocation under § 3583(e), not mandatory revocation under § 3583(g)—did not change this rule. *See United States v. Grant*, No. 25-30008, 2026 WL 323160, at *4 (5th Cir. Feb. 6, 2026) (per curiam) (applying *Illies*’s progeny post-*Esteras*).

Lamberson argues that *Illies* is inapplicable because it involved a revocation sentence of imprisonment whereas she challenges her sentence of supervised release. This is a distinction without a difference. When a district court imposes a mandatory term of imprisonment under § 3583(g), it may consider the same factors when it imposes a term of supervised release to follow. After all, “a term of supervised release is not itself a ‘sentence’ at all; it is a component of a defendant’s *prison* sentence.” *Esteras*, 606 U.S. at 193 n.4. Indeed, in *Garner*, we relied on *Illies* to reject an argument that the district court impermissibly relied on § 3553(a)(2)(A) when it imposed a mandatory revocation sentence that included both imprisonment and a term of supervised release. 969 F.3d at 551, 553 & n.12.

No. 25-10739

In sum, Lamberson has not met her burden of establishing a clear or obvious error with respect to her mandatory revocation sentence. *See Puckett v. United States*, 556 U.S. 129, 135 (2009).

We AFFIRM.

APPENDIX B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

Case Number: **3:24-CR-00508-E(1)**

KELLEY LYNN LAMBERSON
Defendant.

JUDGMENT IN A CRIMINAL CASE
(For **Revocation** of Probation or Supervised Release)
(For Offenses Committed On or After November 1, 1987)

The defendant, **KELLEY LYNN LAMBERSON**, was represented by **Mitch Alan Monthie**.

THE DEFENDANT:

Pleaded true to violations of Mandatory Conditions, Special Conditions, and Standard Condition No. 5 and No. 7 of the term of supervision.

As pronounced on June 12, 2025, the defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

IT IS FURTHER ORDERED that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Signed this pronounced on 13th day of June, 2025.



Ada Brown
United States District Judge

DEFENDANT: KELLEY LYNN LAMBERSON
CASE NUMBER: 3:24-CR-00508-E(1)

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: **twelve (12) months**.

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at ☐ a.m. ☐ p.m. on

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By
DEPUTY UNITED STATES MARSHAL

DEFENDANT: KELLEY LYNN LAMBERSON
CASE NUMBER: 3:24-CR-00508-E(1)

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: **forty-eight (48) months**.

The defendant shall remain on the same conditions of supervised release that were previously imposed by the Eastern District of Texas.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☐ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

DEFENDANT: KELLEY LYNN LAMBERSON
CASE NUMBER: 3:24-CR-00508-E(1)

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. I understand additional information regarding these conditions is available at www.txnp.uscourts.gov.

Defendant's Signature _____

Date _____