

No. 26-5053

IN THE SUPREME COURT OF THE UNITED STATES

ADREOINNA LATORIA HICKMAN, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 7-8) that she should be permitted to appeal her sentence notwithstanding a provision in her plea agreement waiving that right, see Plea Agreement 3-4, on the theory that enforcing the waiver would be a “miscarriage of justice.” Pet. 7. 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 in the first instance 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 Court should grant 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.