No. 26-5229

IN THE

SUPREME COURT OF THE UNITED STATES

ANDREW VALLES,
Petitioner,

v.

**ATTORNEY GENERAL OF THE UNITED STATES,
ATTORNEY GENERAL OF THE STATE OF CALIFORNIA,
ATTORNEY GENERAL OF THE STATE OF NEW YORK, AND
ATTORNEY GENERAL OF THE STATE OF UTAH,**
Respondents.

**ON PETITION FOR A WRIT OF CERTIORARI BEFORE JUDGMENT
TO THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

CORRECTED PETITION FOR A WRIT OF CERTIORARI BEFORE JUDGMENT

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QUESTIONS PRESENTED

1. Whether the Government may prosecute and continue to enforce a federal registration status against a pre-Act offender without identifying a legally operative duty on the relevant dates under the complete statutory framework, including 34 U.S.C. §§ 20913(d) and 20915(a)-(b), and 18 U.S.C. § 2250(a).

2. Whether due process permits courts and enforcement officials to use a later § 2250(a) conviction as proof of the antecedent registration duty upon which that conviction depended, where official jurisdiction-specific determinations materially call that duty into question.

3. Whether the First Amendment permits the Government, under threat of felony prosecution, to compel a person to appear, report, update, verify, and thereby assist in maintaining a public-facing registry message that assigns a stigmatising legal status, where the legal predicate for that status remains disputed.

4. Whether Article I, § 1 permits Congress to vest in the Attorney General authority to determine SORNA's applicability to pre-Act offenders under 34 U.S.C. § 20913(d), where that executive determination governs entry into a criminally enforced, public-facing registration regime and Gundy v. United States produced no majority rationale.

LIST OF PARTIES

Petitioner Andrew Valles was the plaintiff-appellant below. The respondents are the Attorney General of the United States, the Attorney General of the State of California, the Attorney General of the State of New York, and the Attorney General of the State of Utah, each sued in an official capacity. No party has a stock ticker symbol.

CORPORATE DISCLOSURE STATEMENT

No party is a nongovernmental corporation. No corporate disclosure is required under Supreme Court Rule 29.6.

DIRECTLY RELATED PROCEEDINGS

1. Valles v. Attorney General of the United States, et al., No. 1:25-CV-2215 (AS) (S.D.N.Y.). Opinion and Order entered 11 February 2026; judgment entered 17 February 2026; notice of appeal filed 9 March 2026.

2. Valles v. Attorney General of the United States, et al., No. 26-610 (2d Cir.). Appeal from No. 1:25-CV-2215; pending. No judgment has been entered in the court of appeals.

Other Proceedings Disclosed for Completeness

The following proceedings concern the § 2250(a) conviction or operational consequences of the same disputed registration predicate, but are not additional judgments sought to be reviewed here: United States v. Valles, No. 1:19-CR-672 (JPC) (S.D.N.Y.); Valles v. United States, No. 1:20-CV-7835 (JPC) (S.D.N.Y.); Valles v. United States, No. 24-1596 (2d Cir.); Valles v. California Department of Corrections and Rehabilitation, et al., No. 1:25-CV-8050 (AS) (SDA) (S.D.N.Y.); and Valles v. Newsom, et al., No. 2:22-CV-5919 (GW) (AYP) (C.D. Cal.). Their distinct postconviction, operational, custody, transfer, and record-correction postures are described in the Statement of the Case.

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Constitutional Provisions, Statutes, and Rules

OPINIONS BELOW

The United States District Court for the Southern District of New York entered an unreported Opinion and Order on 11 February 2026. App. 1a-5a. The Clerk entered judgment on 17 February 2026. App. 6a. The appeal is pending in the United States Court of Appeals for the Second Circuit, No. 26-610; no appellate judgment has been entered.

JURISDICTION AND RULE 11 BASIS

The district court had jurisdiction under 28 U.S.C. §§ 1331 and 2201-2202. It entered judgment on 17 February 2026. Petitioner filed a notice of appeal on 9 March 2026, and the case is pending before the Second Circuit as No. 26-610. This Court has jurisdiction under 28 U.S.C. §§ 1254(1) and 2101(e). This petition is filed under Supreme Court Rule 11.

The Clerk received the original petition within the period applicable to certiorari before judgment and returned it for correction under Rule 14.5. By letter dated 8 July 2026, the Clerk directed that a corrected petition be resubmitted within 60 days and served upon opposing counsel. App. 17a-18a. This corrected petition responds to the Clerk's instructions by listing all parties, following Rule 14.1 order, and placing any supplemental materials only in the appendix.

Rule 11 permits certiorari before judgment only when a case is "of such imperative public importance as to justify deviation from normal appellate practice and to require immediate determination in this Court." The showing is met here. The district court exercised declaratory jurisdiction because a ruling would clarify Petitioner's continuing obligations and, if he prevailed, would foreclose criminal punishment. App. 3a. It nevertheless dismissed the nondelegation claim because only this Court may revisit Gundy, and dismissed the First Amendment claim despite recognising that no controlling precedent answers it. App. 3a-5a. The appeal is fully briefed, the challenged framework operates nationwide, and Petitioner remains subject to continuing federal supervision and derivative consequences while no court has identified the complete duty alleged to have existed in May 2018 or July 2019.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

This case involves Article I, § 1, and the First and Fifth Amendments to the United States Constitution; 18 U.S.C. § 2250(a); and 34 U.S.C. §§ 20911, 20913-20915, and 20920-20921. Pertinent provisions and selected statutory excerpts are reproduced at App. 7a-12a.

STATEMENT OF THE CASE

A. The statutory architecture

Congress enacted the Sex Offender Registration and Notification Act ("SORNA") in 2006. SORNA defines who qualifies as a "sex offender," assigns tiers, prescribes information that must be supplied and updated, sets registration duration, directs public internet dissemination, and backs noncompliance with federal felony liability. 34 U.S.C. §§ 20911, 20913-20915, 20920-20921; 18 U.S.C. § 2250(a).

For persons convicted before SORNA's enactment, Congress did not itself state when the new requirements became applicable. Section 20913(d) instead authorised the Attorney General to "specify the applicability" of SORNA to pre-Act offenders. Reynolds v. United States, 565 U.S. 432, 435-439 (2012), held that pre-Act offenders were not automatically subject to SORNA before the Attorney General validly exercised that authority. Gundy v. United States, 588 U.S. 128 (2019), upheld the delegation in the judgment before it, but produced a four-Justice plurality, a separate concurrence in the judgment, a three-Justice dissent, and no participation by Justice Kavanaugh.

Section 2250(a) imposes criminal liability only in a specified sequence. The person must first "be required to register under" SORNA; must then satisfy the federal-status or interstate-travel component; and must thereafter knowingly fail to register or update "as required by" SORNA. Carr v. United States, 560 U.S. 438, 446-447 (2010). The antecedent duty therefore cannot be presumed from the conviction that later resulted from its alleged breach.

Duration is also conditional. Section 20915(a) supplies nominal registration periods, including 15 years for Tier I. But subsection (a) expressly makes that period subject to subsection (b), which states that the Tier I period "shall be reduced" by five years after the prescribed ten-year clean record. Congress enacted one duration statute, not an unconditional 15-year rule.

The registration act itself requires continuing personal participation. Section 20914 requires current identifying, residential, employment, educational, vehicle, and other information. Sections 20920 and 20921 connect registry information to public-facing jurisdictional websites and a national search architecture. Section 2250(a) supplies the felony threat if the individual refuses to appear, report, update, or verify.

B. The Utah predicate, pre-July 2019 federal origin, and prosecution

Petitioner pleaded guilty in Utah in 2004 to four Class A misdemeanours: two counts of lewdness involving a child and two counts of attempted dealing in harmful material to a minor. He was released from Utah imprisonment in July 2006 and registered under Utah law. App. 1a. Utah's registration period was measured as ten years from release, and the Utah case and court probation terminated no later than January 2010 without a recorded extension or unresolved violation.

Petitioner later resided in New York. A separately docketed record-preservation notice, also identified in the Opening Brief, preserves the pre-July 2019 origin, provenance, and credibility posture of the federal case. The notice seeks no relief, requests no adjudication, and does not ask any court to reopen the Utah proceeding. It preserves evidence concerning alleged witness interference and motive-related fabrication so that the Utah matter is not treated as a neutral or self-proving predicate. Pet. C.A. Br. 13-14; App. 19a-20a.

The federal enforcement chain preceded the public July 2019 proceedings. After Petitioner's unrelated California arrest, a Utah warrant issued on or about 21 May 2018; USMS Detainer No. 18MJ4725 issued or was transmitted on or about 31 May 2018; and an SDNY criminal complaint or sealed federal process followed on or about 1 June 2018. That sequence necessarily placed the source-duty question before federal actors more than a year before the prosecution became publicly operational.

In July 2019, that pre-existing federal process became publicly operational when Petitioner was removed from California custody and brought before the Southern District of New York. He later pleaded guilty under 18 U.S.C. § 2250(a) and received nine months' imprisonment followed by five years of supervised release. App. 1a-2a.

The central question has remained constant: what legally operative and enforceable duty to register existed, if any, in May 2018 and July 2019? That inquiry requires more than the abstract proposition that a valid federal duty may sometimes operate independently of state law. It requires the qualifying count, SORNA definition, pre-Act applicability, tier, commencement date, duration, § 20915(b) analysis, Carr sequence, and legally performable obligation in the jurisdiction where registration allegedly had to occur.

The existing federal record places release in July 2006, termination of Utah court probation in January 2010, and no new criminal conviction before the ten-year point in July 2016. The later California financial conviction was entered in August 2018, after that ten-year period had already elapsed, and was not a sex-offence conviction. The Government has not identified which condition in § 20915(b)(1), if any, it contends remained unsatisfied.

C. The declaratory action and decision below

Petitioner commenced No. 1:25-CV-2215 immediately after beginning federal supervised release in March 2025. He brought facial and as-applied challenges under Article I and the First Amendment and sought prospective relief from continuing registration obligations. The complaint alleged that executive specification determined entry into a criminal registration regime and that SORNA compelled repeated affirmation of a stigmatising legal status under threat of prosecution.

The district court correctly rejected the contention that the action was disguised habeas or coram nobis. It construed the case as a declaratory action directed to Petitioner's future obligations. App. 2a. It then exercised jurisdiction because a declaration would "serve a useful purpose in clarifying

Valles's obligations" and, if Petitioner prevailed, "would foreclose any criminal punishment." App. 3a.

The court dismissed the nondelegation claim because Gundy controlled and because "it is for the Supreme Court, and not a lower court," to overrule Supreme Court precedent. App. 3a-4a (citing State Oil Co. v. Khan, 522 U.S. 3, 20 (1997)). The court expressly stated that Petitioner could appeal and ultimately seek certiorari if he believed Gundy should be reconsidered. App. 4a.

The court separately recognised that the First Amendment protects the right not to speak and that no controlling precedent answered whether SORNA registration constitutes compelled speech. App. 4a. It nevertheless dismissed by characterising SORNA as ordinary reporting "only to the government itself," rather than compelled speech directed to the public. App. 4a-5a. That characterisation did not address §§ 20920 and 20921 or the pleaded public-dissemination architecture.

The court also dismissed the state Attorneys General after observing that New York's Board of Examiners of Sex Offenders had determined that state law did not require Petitioner to register in New York because of the Utah conviction. App. 2a. The judgment closed the case. App. 6a.

D. The fully briefed appeal

The Second Circuit appeal naturally refined the same controversy. Petitioner's Opening Brief presented the intersection between executive specification, felony-backed compelled registration, public dissemination, and the disputed underlying duty. Pet. C.A. Br. 1, 17-19, 24-28. Appendix A documented the nationwide public-facing registry architecture and the cascading constitutional consequences. C.A. App. A-1 to A-88.

The federal Appellee answered through three propositions: Gundy forecloses the nondelegation challenge; SORNA reporting is not compelled speech; and SORNA requires registration independently of state law. Gov't C.A. Br. 8-17. In doing so, it asserted categorically that Petitioner remained subject to a 15-year federal period after his July 2006 release. Id. at 5, 16.

The Reply isolated the missing premise. It did not dispute, for purposes of narrowing the case, that a valid federal obligation can operate independently of a parallel state duty. It asked instead what valid federal duty attached to these particular Utah misdemeanours and remained operative on the charged dates after the complete statute was applied. Pet. C.A. Reply 4-10.

Most importantly, the Government's Tier I theory invokes § 20915(a)'s nominal 15-year period and necessarily includes § 20915(b)'s mandatory modifying provision. The Government cannot select Tier I to obtain subsection (a)'s nominal period while treating subsection (b) as though Congress did not enact it. Unless the Government identifies a particular clean-record condition that remained unsatisfied, the Government-generated record supports the conclusion that the mandatory reduction matured in July 2016. Pet. C.A. Reply 4-11.

The Reply also corrected the Government's First Amendment reduction. The compelled act is not merely acknowledgment of an historical conviction. It is continuing production, authentication, and updating of present personal information needed to maintain a public-facing governmental status record under threat of prosecution. Id. at 12-13.

E. Later official and operational developments

Later official developments do not create the federal defect or bind federal classification. They illuminate why the predicate could not be assumed. On 3 June 2025, the New York State Board of Examiners of Sex Offenders determined that the identified Utah misdemeanour did not require New York registration. App. 13a-14a. On 10 April 2026, the San Francisco Criminal Court granted the prosecution's motion to withdraw and dismiss a parole-revocation petition; the official minute order records that the prosecution could not prove a California registration duty or a California Penal Code § 290 equivalent. App. 15a-16a.

Related proceedings continue to rely upon the same disputed predicate while seeking distinct remedies. The 672/7835 proceedings concern conviction and postconviction relief. The 8050 action concerns operational actors, warrants, custody, supervision, dissemination, records, damages, and correction. The 5919 action concerns separate California custody and access-to-courts injuries, with transfer proceedings actively briefed. None of those proceedings supplies the missing complete duty analysis.

The consequences also extend beyond government. In July 2026, after nearly eleven months of accepted membership under a preferred name, prior disclosure and copying of Petitioner's government identification, and a 10 July notice anticipating another membership year, a New York City fitness facility requested identification as a "routine security check," then three days later cancelled the membership and imposed organisation-wide exclusion as both member and guest. The facility has declined to disclose the trigger, information sources, or decision process. Petitioner does not ask this Court to decide whether probation or law-enforcement contact, a public registry or court-record search, third-party screening, or another source precipitated the action. The uncertainty concerns the channel, not the concrete injury or the foreseeable mechanisms by which disputed official status may be aired, operationalised, and used by governmental or private actors to profile, target, stigmatise, or exclude before ordinary fair-dealing remedies can prevent the harm. The episode illustrates the First Amendment stakes: compelled maintenance and dissemination of a disputed present legal status carries privacy, associational, reputational, and exclusion consequences beyond the registry itself. App. 21a-26a.

REASONS FOR GRANTING THE PETITION

I. THE DECISION BELOW RECOGNISED A LIVE CONTROVERSY BUT DISMISSED UNDER PRECEDENT ONLY THIS COURT CAN REVISIT

This petition arrives in the precise posture Rule 11 contemplates when ordinary appellate sequencing cannot resolve the controlling structural question. The district court did not dismiss for lack of injury, ripeness, standing, or an available controversy. It held that declaratory relief would clarify Petitioner's ongoing obligations and foreclose future criminal punishment. App. 3a. It dismissed because Gundy binds lower courts and only this Court may reconsider its precedents. App. 3a-4a.

That ruling makes the case both concrete and institutionally clean. Petitioner is not asking this Court to bypass lower-court consideration of a question the lower court could decide freely. The court considered the nondelegation claim, exercised jurisdiction, identified the continuing consequences, and then explained that it lacked authority to provide the requested relief. The Second Circuit is bound by the same vertical constraint. State Oil Co., 522 U.S. at 20.

Gundy did not produce a controlling majority rationale defining the constitutional boundary of § 20913(d). Four Justices construed the provision to require application to pre-Act offenders as soon as feasible; Justice Alito concurred only in the judgment while inviting reconsideration of the prevailing doctrine in an appropriate case; three Justices would have held the delegation unconstitutional; and Justice Kavanaugh did not participate. Although the Court later reaffirmed the intelligible-principle framework in FCC v. Consumers' Research, 606 U.S. 656 (2025), it has not addressed the present intersection: an executive specification carrying felony consequences, applied to a pre-Act misdemeanour predicate without a completed person-specific analysis of federal qualification, tier, duration, clean-record reduction, and operative duty.

A definitive constitutional boundary in Gundy might have supplied guidance capable of preventing at least some of the enforcement cascade alleged here. Instead, later actors have treated Gundy's narrow construction as a complete answer even where the antecedent statutory duty remains unidentified. Petitioner does not ask the Court to revisit nondelegation in abstraction. He presents the consequences of leaving that boundary unresolved in a criminally backed, public-facing regime: prosecution, custody, supervision, compelled status maintenance, dissemination, recurrent threat of enforcement, and alleged exclusion extending into ordinary private life.

This case is not perfect, and Petitioner does not represent otherwise. But it presents what Gundy's narrower record did not: the complete chain from delegated pre-Act applicability, through the disputed statutory predicate and duration, to criminal liability, compelled speech, continuing supervision, public dissemination, and concrete downstream injury. The question is no longer merely who may decide whether SORNA applies in the abstract. It is whether executive specification may continue doing the work of criminal law after the Government has failed to identify the particular legal duty that remained operative.

Gundy addressed whether the Attorney General could make SORNA applicable to pre-Act offenders as a class. It did not decide whether executive specification can substitute for proof that this Petitioner remained legally subject to the complete statute on the dates criminal and continuing enforcement occurred.

That as-applied context prevents the case from becoming an abstract referendum on nondelegation. Even assuming the Attorney General validly made SORNA applicable to some pre-Act offenders, the Executive could enforce only the duty Congress enacted. The continuing duty still depends upon count-specific qualification, tier, duration, clean-record reduction, interstate sequence, and the obligation that could lawfully be performed in the relevant jurisdiction. The Government's own appellate theory has made that incompleteness dispositive.

Immediate review therefore would not merely correct an asserted lower-court error. It would determine whether the officer who prosecutes federal criminal law may also specify who enters a retroactive felony-backed regime, and it would clarify the constitutional boundary for a nationwide registration system affecting an estimated 850,000 individual registrants. C.A. App. A-2 to A-3. That is a question of imperative public importance.

II. THE GOVERNMENT HAS NOT IDENTIFIED THE COMPLETE DATE-SPECIFIC DUTY REQUIRED BY § 2250(A)

A. The Government answers the abstract question, not the operative question.

The Government's Point III states that federal SORNA duties may exist independently of state registration law. Gov't C.A. Br. 14-17. That proposition does not answer this petition. The relevant questions are whether an independently valid duty attached to these particular Utah misdemeanours and whether that duty remained operative in May 2018 and July 2019 after the complete statute was applied.

The Government's principal authority states the premise conditionally: if the underlying conviction makes a person a sex offender under SORNA, a federal duty follows for the time mandated by SORNA. United States v. Del Valle-Cruz, 785 F.3d 48, 55 (1st Cir. 2015). The Government assumes the "if," assumes the tier, and then repeats "15 years." It does not supply the qualifying count, federal definition, lawful pre-Act bridge, tier analysis, clean-record determination, Carr sequence, or New York performance obligation.

The petition does not ask this Court to hold that state-law expiration automatically extinguishes every federal duty. It asks the antecedent federal question that the Government's independence theory leaves untouched. A federal obligation, if independent, must still be established under federal law. Independence is not self-proving existence.

B. Section 20915(b) qualifies the nominal 15-year period.

The Government's categorical duration assertion exposes the cleanest statutory defect. Section 20915(a) states that a Tier I offender's full period is 15 years "unless the offender is allowed a reduction under subsection (b)." Subsection (b) then provides that the period "shall be reduced" by five years if the prescribed ten-year clean-record conditions are satisfied.

Subsection (b)(1) addresses disqualifying convictions, completion of supervision, and completion of appropriate treatment. The Government generated and possesses the custodial, criminal, supervision, and treatment history from which any contrary contention must arise. That record places release in July 2006; termination of the Utah case and court probation in January 2010; no new conviction before July 2016; no new sex-offence conviction; and a later unrelated California financial conviction entered in August 2018. The Government has never identified the particular § 20915(b)(1) condition it contends remained unsatisfied.

That distinction changes the result. An unreduced period would run nominally to July 2021. A five-year reduction would produce a July 2016 endpoint—before the 21 May 2018 Utah warrant, 31 May 2018 USMS detainer, approximately 1 June 2018 federal complaint or sealed process, and July 2019 public prosecution posture. The omission is not a technical sentencing question. It determines whether § 2250(a)(1)'s present-tense duty element existed when the federal chain began.

Congress enacted one duration statute. The Government may not use subsection (a) as the source of a nominal period while omitting the subsection that Congress made mandatory upon satisfaction of its conditions. Nichols v. United States, 578 U.S. 104, 110-115 (2016), requires textual discipline in defining SORNA duties; courts may not create an updating obligation that Congress did not impose. The same discipline applies to duration.

C. The complete statutory analysis is fairly included and supports review or remand.

The operative-duty issue was present from the complaint forward and was expressly preserved in the Opening Brief. Pet. C.A. Br. 17-19, 27-28. The § 20915(b) component became unavoidable when the Government introduced an unconditional 15-year alternative in its appellate brief. Gov't C.A. Br. 5, 16. The Reply properly answered that theory. Pet. C.A. Reply 4-11.

The Court need not determine disputed sealed-record facts in the first instance. It may grant review of the Questions Presented and resolve the pure statutory structure, or it may vacate and remand for a count-specific, tier-specific, duration-specific, and date-specific determination. Either route is superior to continued enforcement based upon an incomplete statutory equation.

The official New York and California developments reinforce—not replace—the need for that inquiry. They do not bind federal classification. They show that two jurisdictions independently refused to assume the very predicate the Government treats as mechanical. App. 13a-16a. They therefore make the case a particularly concrete vehicle for requiring the Government to identify its asserted federal bridge.

III. DUE PROCESS FORBIDS CIRCULAR PREDICATE VALIDATION

Section 2250(a) requires a duty before interstate travel or federal status and before knowing noncompliance. Carr, 560 U.S. at 446-447. A later conviction under that section cannot be used to prove the antecedent duty upon which the conviction depended. That is not evidentiary shorthand; it is circular validation of an element.

Fiore v. White, 531 U.S. 225, 228-229 (2001), held that due process does not permit conviction where the conduct did not satisfy an element under the statute properly understood. Bunkley v. Florida, 538 U.S. 835, 840-842 (2003), likewise required determination whether the defendant's conduct was excluded from the statute at the time of conviction. Those principles apply with particular force where the Government never completes the legal analysis establishing the status element.

The argument is not that Petitioner's prior subjective belief, plea, or procedural history establishes innocence. It is that no plea can create a legal-status element that the governing law did not supply. Nor may later officials reason backward from the conviction to the duty when the conviction itself depended upon that duty.

Lambert v. California, 355 U.S. 225, 228-230 (1957), underscores the constitutional sensitivity of criminal punishment for a passive failure to act. SORNA supplies notice mechanisms and scienter protections, but those safeguards cannot substitute for the first and most basic requirement: the legal duty must exist.

The downstream proceedings demonstrate the practical circularity. Operational actors have treated the Utah convictions and later federal conviction as a self-proving source of classification, supervision, custody, and dissemination consequences. Yet none has supplied the count, tier, duration, and date-specific analysis required to show what duty the conviction lawfully enforced. Rule 11 intervention is warranted to stop the predicate from proving itself through repetition.

IV. THE FIRST AMENDMENT QUESTION CONCERNS CRIMINALLY COERCED PUBLIC-STATUS MAINTENANCE

A. The compelled act is more than disclosure to government.

The district court described SORNA as a requirement to report information "only to the government itself." App. 4a. The Government's appellate brief similarly reduced the scheme to disclosure of the already-public fact of conviction. Gov't C.A. Br. 7, 9-14. Both descriptions omit what the statute requires and what the complaint alleged.

Section 20914 requires the individual to supply and continually update present information: names, residence, employment, education, vehicle information, and other identifiers. Sections 20920 and 20921 provide for internet publication and national aggregation, subject to specified exclusions. The person must appear, provide, authenticate, and update the information needed to maintain the current registry record. Refusal exposes the person to felony prosecution under § 2250(a).

This case therefore does not assert a freestanding right to conceal a historical conviction. It asks whether the Government may compel recurrent personal participation in maintaining a present, public-facing legal-status communication. The constitutional injury lies in forced assistance in producing and sustaining the Government's message about who the person presently is.

After July 2016, Petitioner contends that he was no longer lawfully required to speak, verify, maintain, or privately disclose any present sex-offender-registration status arising from the Utah misdemeanours.

B. Compelled factual status speech is not categorically outside the First Amendment.

The First Amendment protects both the right to speak and the right to refrain. Barnette, 319 U.S. at 642; Wooley, 430 U.S. at 714. Compelled statements of fact, like compelled statements of opinion, burden speech. Riley, 487 U.S. at 797-798. NIFLA v. Becerra, 585 U.S. 755, 766-778 (2018), confirms that the Government cannot place compelled factual expression outside the First Amendment by calling it disclosure.

Rumsfeld v. FAIR, 547 U.S. 47, 61-62 (2006), explains that some speech incidental to conduct regulation does not trigger the compelled-speech rule. But SORNA's required personal reporting is the mechanism by which the current status record is created and maintained. It is not an incidental sentence generated by a separate regulated act.

Recent authority confirms that registrant-directed factual speech is not categorically exempt. Sanderson v. Hanaway, 163 F.4th 1101, 1106-1108 (8th Cir. 2026), held that a state could not compel registrants to display a government-prescribed Halloween sign merely because the message was factual and regulatory. Sanderson involved direct signage and does not resolve this case, but it defeats the categorical premise that factual compulsion matters only when it resembles a political pledge or religious profession.

The as-applied boundary is narrow. Petitioner need not establish that every valid registry is unconstitutional. Even if government may require some factual reporting from persons lawfully subject to a registration regime, it does not follow that government may compel a person, under threat of prosecution, to help maintain a public stigmatising status while leaving the legal predicate for that status undefined.

C. The public-facing architecture magnifies the constitutional stakes.

The internet is "the modern public square." Packingham v. North Carolina, 582 U.S. 98, 107 (2017). SORNA's national architecture places official status information into searchable systems that can travel through law enforcement, supervision, institutions, employers, housing, commercial security, and ordinary association. The compelled contribution does not end when information reaches a government desk.

Petitioner's claim is not merely that disputed information was disseminated. It is that, after July 2016—when he contends no operative registration duty remained—the Government continued to compel him to disclose, verify, and maintain a stigmatising present legal status in both public and private interactions. The consequences of that compelled status are not confined to registry websites. A long-dormant Utah misdemeanour matter was made operational again in May 2018 through governmental channels whose initiating source remains unidentified.

In July 2026, after formal notice that New York required no registration for the identified Utah misdemeanour, a private commercial institution abruptly converted a purportedly routine identity review into cancellation and organisation-wide exclusion while withholding the information source, motive, and decision process. Petitioner does not ask this Court to adjudicate that private dispute or presume its ultimate cause. The sequence illustrates the constitutional danger: once government compels maintenance of a disputed status, that status may be accessed, transmitted, or operationalised by public or private actors as a mechanism of stigma, profiling, exclusion, and practical banishment before any court identifies the lawful duty supporting it. The resulting privacy, associational, reputational, and access injuries arise before retrospective fair-dealing remedies can prevent the harm. App. 21a-26a.

303 Creative LLC v. Elenis, 600 U.S. 570, 586-603 (2023), reiterates that government may not compel a person to express its preferred message simply because government considers the message accurate or socially useful. SORNA's public-safety objectives are substantial, but the First Amendment question cannot be avoided by describing forced current-status maintenance as routine paperwork.

The district court acknowledged that no controlling precedent answers the precise question. App. 4a. The case thus presents an unresolved federal issue with nationwide consequences, preserved on a developed appellate record and suitable for immediate review.

V. THE CONTROVERSY IS OF IMPERATIVE PUBLIC IMPORTANCE AND REQUIRES IMMEDIATE DETERMINATION

A. The questions recur nationally and combine structural, criminal, and speech consequences.

This case sits at the intersection of four questions of exceptional national importance: who determines the retroactive reach of a federal criminal regime; what complete statutory duty must exist before felony liability attaches; whether due process permits a conviction to validate its own antecedent status element; and whether government may compel recurring participation in maintaining a public-facing stigmatising status.

Each question has consequences beyond Petitioner. SORNA operates through every State, the District of Columbia, territories, and tribal jurisdictions, and its public architecture affects hundreds of thousands of people. The regime links federal criminal law, state registration systems, internet publication, law-enforcement databases, supervision, and interstate movement. A defect at the predicate stage propagates through every later system that assumes the status.

The related proceedings show that propagation in real time. The criminal and postconviction lane concerns the § 2250(a) judgment. The declaratory lane concerns structural and prospective legality. The operational lanes concern warrants, custody, parole, classification, dissemination, records, damages, and correction. The concrete private-commercial episode shows that public-status vulnerability can reach ordinary life. The claims and remedies differ, but the source question remains the same.

B. Waiting for ordinary appellate completion will not answer the question only this Court can decide.

The Second Circuit can address statutory and First Amendment issues, but it cannot overrule or reformulate Gundy. The district court said so expressly. App. 4a. Normal appellate practice therefore guarantees further delay on the controlling structural issue while Petitioner remains under supervised release and exposed to renewed enforcement based on the disputed status.

The appeal is already fully briefed. The Government has stated its three positions; Petitioner has answered them; and the core legal record is complete. Immediate review would not deprive this Court of adversarial development. It would prevent the same questions from being repeatedly litigated through separate criminal, civil, custody, supervision, and record-correction proceedings while the operative duty remains unidentified.

Nor is the petition an attempt to convert a personal factual dispute into national doctrine. The district court's own ruling establishes a live prospective controversy. The public-importance showing comes from the architecture of the challenged law, the division of legislative and executive power, the felony sequence, and the compelled public-status system—not from the volume of Petitioner's collateral proceedings.

C. This case is a suitable vehicle.

The questions were preserved from the complaint through the Opening Brief and Reply. The district court reached the merits of both constitutional claims. It exercised declaratory jurisdiction, identified the prospective criminal consequence, held itself bound by Gundy, and decided the First Amendment claim despite acknowledging the absence of controlling precedent. App. 2a-5a.

The Government's appellate brief then supplied the precise statutory premise—an unconditional 15-year period—that makes § 20915(b) unavoidable. The Court may address that subsidiary issue as fairly included in the operative-duty question or remand for the complete analysis. No disputed Chelsea Piers fact, damages calculation, or collateral-custody claim must be resolved to decide the Questions Presented.

The requested review also preserves procedural lane discipline. This petition does not ask the Court to vacate the 672 criminal judgment, adjudicate 8050 or 5919 liability, or decide the private-commercial dispute. It asks the Court to review the separate 2215 declaratory judgment and determine the structural, statutory, due-process, and speech rules governing present and prospective enforcement.

The case is extraordinary in the Rule 11 sense: a lower court found declaratory relief useful, identified continuing criminal consequences, and then explained that controlling Supreme Court precedent prevented relief; meanwhile the Government's own appellate theory exposed a potentially dispositive omitted subsection, and a nationwide public-facing regime continues to operate. Immediate determination is warranted.

CONCLUSION

The petition for a writ of certiorari before judgment should be granted. The Court should reverse or vacate the judgment below and remand for proceedings consistent with the complete statutory framework and the constitutional principles governing legislative power, due process, and compelled speech. Alternatively, the Court should grant the petition, vacate the judgment, and direct consideration of the date-specific operative duty and § 20915(b) before further enforcement rests upon an unreduced 15-year premise.

Respectfully submitted,

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