

No. 26-5291

**IN THE
SUPREME COURT OF THE UNITED STATES**

BRADLEY LANE CROFT,
Petitioner,
v.
UNITED STATES,
Respondent.

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

**SUPPLEMENTAL BRIEF OF PETITIONER
PURSUANT TO SUPREME COURT RULE 15.8**

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SUPPLEMENTAL BRIEF

Pursuant to Supreme Court Rule 15.8, Petitioner Bradley Lane Croft respectfully submits this supplemental brief to call the Court's attention to *United States v. Luc*, No. 25-cr-00273 (NCM), ECF No. 75 (E.D.N.Y. Aug. 28, 2026), an intervening decision issued after Petitioner filed his petition for a writ of certiorari on July 26, 2026. *Luc* directly concerns the post-*Dubin* relationship between another person's means of identification and the particular predicate criminal conduct, and it expressly relies on *United States v. Croft*, 87 F.4th 644, 649 (5th Cir. 2023).

The petition already explains that *Croft* has become a published post-*Dubin* comparator used by other federal courts, and that continued reliance gives national consequence to the accuracy of the published characterization that identity was the basis, heart, or crux of Petitioner's predicate fraud. Pet. 36-39. *Luc* is a new, post-petition instance of that continued reliance.

I. LUC APPLIES CROFT TO THE PARTICULAR PREDICATE CRIMINAL CONDUCT.

In *Luc*, the defendant was tried for theft of government funds under 18 U.S.C. § 641 and aggravated identity theft under 18 U.S.C. § 1028A. The jury found him guilty on both counts. On a reserved Rule 29 motion, the district court left the § 641 conviction intact but entered a judgment of acquittal on § 1028A because the evidence was insufficient to establish that the defendant used the victim's means of identification in a way that was at the crux of the predicate theft. *Luc*, ECF No. 75, at 1-2, 26-27.

The court did not treat the presence or use of identifying information somewhere in the transaction as sufficient. Instead, it identified the predicate criminal conduct as the deposit of the Treasury check and withdrawal of its funds and asked whether the victim's identity was integral

to that conduct. The court concluded that the record did not support an inference that the victim's name, signature, or address was seen, reviewed, or considered by the bank. It then cited *Croft* for the proposition that the means of identification must be "particularly important" to the predicate criminal conduct. *Id.* at 21 (citing *Croft*, 87 F.4th at 649).

The Government emphasized that the defendant had presented and deposited the check using the victim's name and forged signature. The court responded that this "misses the point" because the inquiry concerns the means of identification itself, not merely the instrument on which it appears. *Id.* at 21. The court further held that even if the identity "could have been useful" to the scheme, that was not enough to make it a key mover in the success of the predicate offense. *Id.* at 26. The court characterized the identity use as passive, passing, ancillary, or superfluous and granted acquittal on the aggravated-identity-theft count. *Id.* at 26-27.

II. LUC CONFIRMS THE CONTINUING CONSEQUENCE IDENTIFIED IN THE PETITION.

Luc does not independently decide this case, and Petitioner does not offer it as controlling authority or as a new question presented. Its significance under Rule 15.8 is narrower and direct: while this petition has been pending, another federal court has used *Croft* as part of the post-*Dubin* framework for determining whether identity use was sufficiently important to the particular predicate criminal conduct.

That development reinforces the concern already presented in Part IV of the petition. Pet. 36-39. The petition challenges a published appellate characterization that selected identity as the basis, heart, and crux of Petitioner's predicate fraud and attributed that determination to trial-court findings that Petitioner contends cannot be identified. As *Luc* demonstrates, federal courts continue to rely on *Croft* when deciding what relationship identity must bear to a predicate

offense under *Dubin*. The accuracy of that characterization therefore has consequences beyond Petitioner's individual judgment.

Luc also illustrates the predicate-specific inquiry described in the petition. The court isolated the particular criminal conduct supporting the predicate offense and declined to substitute the identity's presence, usefulness, or causal assistance for proof that the identity itself played the required integral role. That analysis bears directly on the petition's second question, which asks whether identity use in an antecedent TVC approval package may be treated as the crux of later VA payment-wire predicates where those later payment packages did not require or use the four instructor identities and the asserted connection rests on approval-chain causation and facilitation. Pet. 2, 28-31.

CONCLUSION

The Court should consider *United States v. Luc* as intervening authority confirming the continuing post-*Dubin* use of *Croft* described in the petition. For the reasons stated in the petition, as reinforced by this intervening development, the petition for a writ of certiorari should be granted, the Fifth Circuit's June 15, 2026 order denying recall, reform, or clarification should be vacated, and the case should be remanded for further proceedings.

Respectfully submitted,



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