No. 26-5444

IN THE SUPREME COURT OF THE UNITED STATES

IKE JACKSON, JR., PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 5-11) that he should be permitted to appeal his sentence notwithstanding a provision in his plea agreement waiving that right subject to certain exceptions not applicable here, see Pet. App. 21a-22a, on the theory that enforcing the waiver would be a "miscarriage of justice" because defense counsel provided ineffective assistance by failing to object to the district court's decision to impose a sentence within the advisory Sentencing Guidelines range. In Hunter v. United States, 608 U.S. 713 (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 717. The Court declined to apply its holding to the facts of that case, instead allowing the court of appeals to decide whether enforcement of the appeal waiver would amount to a miscarriage of justice under the standard described in the Court's opinion. Id. at 729-730. Consistent with this Court's treatment of other petitions challenging the enforceability of appeal waivers for sentencing claims, the appropriate course would be to grant the petition for a writ of certiorari, see, e.g., Myrick v. United States, No. 25-6860 (June 29, 2026), vacate the judgment of the court of appeals, and remand for further consideration in light of Hunter.*

Respectfully submitted.

D. JOHN SAUER
Solicitor General

OCTOBER 2026

* The government waives any further response to the petition for a writ of certiorari unless this Court requests otherwise.