

No. 26-5570 **ORIGINAL**

Supreme Court, U.S.
FILED

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IN THE
SUPREME COURT OF THE UNITED STATES

JAMAR SCOTT - PETITIONER

VS.

UNITED STATES OF - RESPONDENT
AMERICA

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

PETITION FOR WRIT OF CERTIORARI

JAMAR SCOTT - 98707
LIVINGSTON COUNTY JAIL
844 W. LINCOLN ST.
PONTIAC, IL 61764

Petitioner respectfully petitions for a writ of certiorari to review the judgement of the United States Court of Appeals for the Seventh Circuit in United States v. Scott, No. 26-2174.

QUESTIONS PRESENTED

The Bail Reform Act authorizes pretrial detention only "after a hearing pursuant to the provisions of subsection (f)." 18 U.S.C. § 3142(e). Section 3142(f), in turn, identifies the circumstances in which a detention hearing may be invoked and requires such a hearing to be held immediately unless the defendant or the Government seeks a continuance.

The questions presented are:

- 1.) Whether a defendant may be subjected to pretrial detention where, at the initial appearance, the Government requested detention without identifying a statutory ground under 18 U.S.C. § 3142(f), and the judicial officer did not make the threshold determination that the case involved a serious risk of flight or obstruction necessary to authorize a detention hearing under § 3142(f)(2).
- 2.) Whether, in determining whether a detention proceeding was conducted

"pursuant to" § 3142(f), a court may disregard the combined effect of the absence of a threshold § 3142(f) determination and a sua sponte continuance of the detention hearing that neither party requested.

3.) Whether permitting a motion for review of pretrial detention to remain undecided for approximately three months is consistent with 18 U.S.C. § 3145(b), which commands that such a motion "shall be determined promptly."

PARTIES TO THE PROCEEDING

Petitioner Jamar Scott is the defendant in the United States District Court for the Central District of Illinois and appellant in the United States Court of Appeals for the Seventh Circuit.

Respondent United States of America is the prosecution in the district court and appellee in the court of appeals.

RELATED PROCEEDINGS

United States v. Scott, United States District Court for the Central District of Illinois, No. 23-CR-30067.

United States v. Scott, United States Court of Appeals for the Seventh Circuit, No. 26-2174.

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United States v. Ploof, 851 F.2d 7, 11 (1st Cir. 1988)	11
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OTHERS RELEVANT TO THE CHARGES IN THE INDICTMENT.

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Dubin v. United States, 599 U.S. 110 (2023)

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgement below.

OPINIONS AND ORDERS BELOW

The order of the United States Court of Appeals for the Seventh Circuit denying Petitioner's motion for release and resolving his appeal is unpublished and reproduced at Appendix A.

The order of the United States District Court for the Central District of Illinois denying Petitioner's Motion to Review Magistrate's Detention Order under 18 U.S.C. § 3145(b) is unpublished and reproduced at Appendix B.

JURISDICTION

The United States Court of Appeals for the Seventh Circuit entered its order resolving Petitioner's appeal from the pretrial detention determination on October 3, 2026.

The court stated that "the motion for release is DENIED" and expressly concluded: "Because this is an appeal from a pretrial detention order, this order resolves the appeal."

This Court has jurisdiction under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fifth Amendment to the United States Constitution provides in relevant part:

"No person shall... be deprived of life, liberty, or property, without due process of law."

18 U.S.C. § 3142(e)(1) provides in relevant part:

"If, after a hearing pursuant to the provisions of subsection (f) of this section, the judicial officer finds that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community, such judicial officer shall order the detention of the person before trial."

18 U.S.C. § 3142(f) provides in relevant part that a detention hearing may

be held, upon motion of the Government or upon the judicial officer's own motion, in a case involving "a serious risk that such person will flee" or "a serious risk that such person will obstruct or attempt to obstruct justice."

Section 3142(f) further provides:

"The hearing shall be held immediately upon the person's first appearance before the judicial officer unless that person, or the attorney for the Government, seeks a continuance."

18 U.S.C. § 3145(b) provides that a person detained by a magistrate judge may seek review by the district court and expressly commands:

"The motion shall be determined promptly."

STATEMENT OF THE CASE

A. The Initial Detention Proceedings

Petitioner Jamar Scott is awaiting trial on charges of bank fraud, conspiracy to commit bank fraud, conspiracy to commit aggravated identity theft, and aiding and abetting aggravated identity theft.

The charged offenses are nonviolent. Petitioner has no criminal history. The district further found that Petitioner has no history of substance abuse and no mental or physical conditions indicating a risk of flight.

Petitioner appeared before a magistrate judge on October 18, 2024.

The government sought detention. As the district court later acknowledged, however the Government did not specifically invoke § 3142(f)(2). The district court did not identify any finding made at the initial appearance

that Petitioner then presented a "serious risk" of flight or obstruction under § 3142(f)(2).

Instead of immediately conducting the detention hearing, the magistrate judge continued it.

The district court subsequently reviewed the recording of the initial appearance and expressly found that the magistrate judge "sua sponte" continued the hearing for five days over no objection to allow preparation of a pretrial services report.

Neither Petitioner nor the Government had requested that continuance.

The detention hearing was ultimately conducted on November 1, 2024, and the magistrate judge ordered Petitioner detained.

B. District Court Review

Petitioner challenged, among other things, the initiation and timing of the detention proceedings. With respect to the threshold requirement of § 3142(f), the district court acknowledged that the Government had not specifically invoked § 3142(f)(2). The court nevertheless rejected Petitioner's challenge because the Government had generally sought detention and Petitioner had not objected at his initial appearance that the Government failed to make the required threshold showing.

The district court separately considered the continuance.

It recognized that § 3142(f) requires the detention hearing to occur immediately unless the defendant or the Government seeks a continuance. It further found from the recording that the magistrate judge had continued Petitioner's detention hearing sua sponte for five days. The

district court assumed that the sua sponte continuance violated § 3142(f), but concluded that release was not required under *United States v. Montalvo-Murillo*, 495 U.S. 711 (1990).

The district court the conducted de novo review.

It expressly determined that "the Government did not sufficiently prove Scott was a danger to the community." The district court nevertheless found Petitioner to be a flight risk. In reaching that determination, the district court relied upon allegations that Petitioner possessed photos of fraudulent identification documents and significant sums of cash. It also relied upon conduct occurring after Petitioner's initial appearance, including telephone calls from detention concerning removal of the sim card from his telephone.

The district court concluded that the latter conduct constituted efforts to obstruct justice and supported its

assessment that Petitioner might disregard court directives or fail to appear. According to the district court, Petitioner has no criminal history, no history of substance abuse, and no mental or physical condition making him a flight risk. Nevertheless, the district court concluded by a preponderance of the evidence that no condition or combination of conditions would reasonably assure Petitioner's appearance.

Petitioner's § 3145(b) motion remained unresolved for approximately three months before the district court entered its decision.

C. The Seventh Circuit Proceedings

Petitioner appealed. The appeal was docketed in the United States Court of Appeals for the Seventh Circuit as *United States v. Scott*, No. 26-2174. The Seventh Circuit recognized at the outset that detention appeals require expedited

consideration. It directed Petitioner to proceed through an appropriate motion rather than ordinary merits briefing.

Counsel subsequently filed a Memorandum of Law in Support of Defendant's Motion to Vacate Detention Order and for Pretrial Release on July 28, 2026. The Seventh Circuit thereafter entered a summary order denying relief:

"It is Ordered that the motion for release is DENIED. See Fed. R. App. P. 9(a); 18 U.S.C. § 3145. Because this is an appeal from a pretrial detention order, this order resolves the appeal."

The Seventh Circuit supplied no further reasoning addressing Petitioner's statutory challenges.

This petition follows.

REASONS FOR GRANTING THE PETITION

1. THE DECISION BELOW PRESENTS AN IMPORTANT QUESTION CONCERNING THE THRESHOLD LIMITS CONGRESS PLACED ON FEDERAL PRETRIAL DETENTION

The Bail Reform Act does not authorize detention whenever a court concludes after the fact that detention would be desirable. Congress created a two-step structure. Section 3142(f) first limits the circumstances in which detention hearing may be invoked. Only after a hearing pursuant to subsection (f) may detention be imposed under § 3142(e).

Court of Appeals have repeatedly recognized the significance of that structure.

In *United States v. Ploof*, 851 F.2d 7, 11 (1st. Cir. 1988), the First Circuit recognized that § 3142(f) limits detention hearings to the circumstances Congress enumerated.

The Third Circuit likewise explained that the circumstances permitting a § 3142(f) hearing "serve to limit the type of cases in which detention may be ordered prior to trial." *United States v. Himler*, 797 F.2d 156, 160 (3rd Cir. 1986).

And the District of Columbia Circuit has described the inquiry as a required first step: the judicial officer must first find a circumstance triggering a detention hearing; absent such a circumstance, detention is not an available option. *United States v. Singleton*, 182 F.3d 7, 9 (D.C. Cir. 1999).

That limitation is especially consequential here.

Petitioner was not charged with a crime of violence, terrorism offense, qualifying controlled-substance offense, or another offense independently triggering § 3142(f)(1). Nor did his lack of criminal history independently bring the case within the repeat-offender provision.

Accordingly, a detention hearing depended upon § 3142(f)(2): a determination that the case involved a serious risk of flight or a serious risk of obstruction. The district court acknowledged that the Government did not specifically invoke § 3142(f)(2) at the initial appearance. Instead of identifying the threshold finding that authorized detention proceedings, the court relied in significant part upon the fact that Petitioner did not contemporaneously object.

That approach raises an important question concerning the structure of the Act: whether Congress's limitation on the availability of pretrial detention is an affirmative statutory prerequisite that must actually be satisfied, or merely a procedural objection that disappears when a defendant fails to invoke the correct statutory subsection at his first appearance.

This issue warrants review because

§ 3142 governs the pretrial liberty of federal defendants nationwide.

11. THIS CASE PRESENTS A QUESTION LEFT OPEN BY MONTALVO-MURILLO CONCERNING CUMULATIVE EFFECT OF PROCEDURAL IRREGULARITIES

The district court relied on *United States v. Montalvo-Murillo*, 495 U.S. 711 (1990), but that decision does not foreclose the question presented here. *Montalvo-Murillo* held that violation of § 3142(f)'s timing requirement does not, standing alone, automatically require release of an otherwise properly detainable defendant.

This Court nevertheless emphasized that "[a] prompt hearing is necessary, and the time limitations of the Act must be followed with care and precision." *Id.* at 716. More importantly, the Court expressly recognized that "[i]t is conceivable that some combination of procedural irregularities could render a detention hearing so flawed that it would not constitute 'a hearing pursuant to the

provisions of subsection (f)' for purposes of § 3142(e)." *Id.* at 717.

This case presents that question.

Petitioner does not rely merely upon a detention hearing occurring several days late.

First, the Government did not specifically invoke § 3142(f)(2) at the initial appearance.

Second, the district court did not identify a threshold finding made at that appearance that the case involved the serious risk of flight or obstruction necessary to trigger § 3142(f)(2).

Third, the magistrate judge then continued the detention hearing *sua sponte*, although § 3142(f) provides that the hearing shall occur immediately unless "that person, or the attorney for the Government, seeks a continuance."

Fourth, the district court assumed that the continuance violated the statute.

Fifth, Petitioner's statutory review motion then remained unresolved for approximately three months despite § 3145(b)'s express command of prompt determination.

The issue therefore is not whether one missed deadline automatically entitles every defendant to release.

It is whether a detention proceeding remains a hearing "pursuant to" § 3142(f) when the alleged errors concern both the statutory authority to initiate detention proceedings and Congress's procedures governing those proceedings.

Montalvo-Murillo expressly reserved the possibility that a combination of irregularities could cross that line.

This case provides an appropriate vehicle to determine where that line lies.

III. THE COURT SHOULD CLARIFY THE MEANING OF § 3145(b)'S COMMAND THAT DETENTION REVIEW "SHALL BE DETERMINED PROMPTLY."

Congress imposed an unusually direct command concerning district-court review of detention:

"The motion shall be determined promptly."
18 U.S.C. § 3145(b).

That language serves an obvious purpose. Every day consumed in deciding whether detention is lawful is another day during which a presumptively innocent defendant remains deprived of physical liberty. The requirement is not merely aspirational. Section 3145(b) uses the mandatory word "shall," and Congress repeated the same promptness command for appeals from release or detention determinations in § 3145(c).

Petitioner's motion remained unresolved for approximately three months. That period is difficult to reconcile with a

Statutory scheme designed to provide expedited review of an ongoing deprivation of liberty.

The circumstances of this case illustrate the practical importance of the question. The district court ultimately rejected one asserted justification for detention, expressly finding that the Government had not sufficiently proven Petitioner dangerous to the community. Yet Petitioner remained detained while his challenge awaited resolution.

Review is warranted to give meaningful content to Congress's express requirement that a detention challenge be determined promptly.

IV. THE PROCEDURAL HISTORY MAKES THIS CASE AN APPROPRIATE VEHICLE FOR REVIEW.

The questions presented do not depend upon disputed recollections of the proceedings. The district court itself

supplied the relevant findings.

It acknowledged that the Government did not specifically invoke § 3142(f)(2).

It found from the recording that the magistrate judge sua sponte continued the detention hearing for five days.

It assumed that the continuance violated § 3142(f).

It further conducted de novo review and expressly rejected the Government's showing of danger to the community.

The Seventh Circuit then disposed of Petitioner's detention appeal through a summary order without addressing the statutory questions.

Those circumstances permit this Court to address the proper interpretation of §§ 3142 and 3145 without resolving collateral factual disputes.

V. THE QUESTIONS PRESENTED ARE RECURRING AND IMPLICATE A FUNDAMENTAL LIBERTY INTEREST.

Pretrial detention occupies an extraordinary position in federal criminal procedure. A detained defendant has not been convicted. The Bail Reform Act therefore surrounds detention with statutory limitations and procedural protections.

As this Court explained in *United States v. Salerno*, 481 U.S. 739, 755 (1987), the Act's constitutionality rests in substantial part upon the carefully limited circumstances in which detention may be imposed and the procedural safeguards attending the detention determination.

The questions presented concern the force of those safeguards.

If § 3142(f)'s threshold limitations may be supplied after the fact whenever

detention ultimately appears justified, the statutory limitation on which cases are eligible for detention loses much of its practical force.

Likewise, if § 3145(b)'s command of prompt review permits an unresolved detention challenge to remain pending for months without consequence, Congress's expedited review mechanism provides diminished protection to the liberty interest it was designed to safeguard.

These issues extend beyond Petitioner's individual case and affect the administration of federal pretrial detention throughout the nation.

This petition should be granted.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted,
Jamar Scott

Date: September 7, 2026