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ORIGINAL

No. _____

FILED

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SUPREME COURT, U.S.

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

JAMES STUART FALLER II,

Petitioner,

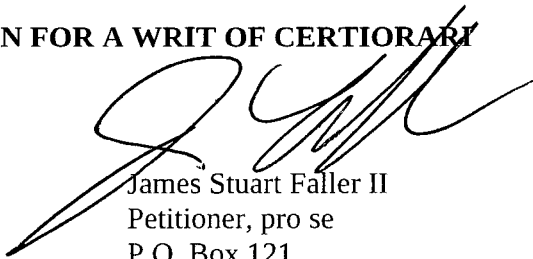
v.

UNITED STATES OF AMERICA,

Respondent.

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

PETITION FOR A WRIT OF CERTIORARI



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QUESTION PRESENTED

After completion of a federal criminal sentence, whether a petitioner seeking coram nobis relief must prove an ongoing civil disability that is "more than incidental" to the conviction, as the Sixth Circuit requires, or whether adverse collateral consequences sufficient to satisfy Article III's case-or-controversy requirement satisfy the continuing-consequences requirement, as the Fourth and Ninth Circuits hold.

PARTIES TO THE PROCEEDING

Petitioner James Stuart Faller II was the defendant and coram nobis petitioner in the district court and the appellant in the court of appeals. Respondent United States of America was the plaintiff below and the appellee. There are no corporate parties and no corporate disclosure statement is required.

RELATED PROCEEDINGS

1. *United States v. Faller*, No. 1:13-cr-00029-BJB-HBB, U.S. District Court for the Western District of Kentucky: sentence imposed February 8, 2016; coram nobis denied by order entered June 11, 2024; reconsideration denied July 28, 2025.
2. *United States v. Faller*, Nos. 16-5168 and 16-5391, U.S. Court of Appeals for the Sixth Circuit: judgment affirming on direct appeal entered January 10, 2017.
3. *United States v. Faller*, No. 24-6079, U.S. Court of Appeals for the Sixth Circuit: judgment entered May 4, 2026; rehearing denied June 15, 2026. This is the judgment under review.
4. *Faller v. Saad*, No. 1:17-cv-00048-IMK, U.S. District Court for the Northern District of West Virginia: habeas petition dismissed May 10, 2018.

RELATED PROCEEDINGS (continued)

5. *Faller v. Saad*, No. 18-6597, U.S. Court of Appeals for the Fourth Circuit: judgment entered October 18, 2018, affirming as modified to dismissal without prejudice for lack of jurisdiction.
6. *Faller v. United States Department of Justice*, No. 3:23-cv-00526-BJB, U.S. District Court for the Western District of Kentucky: dismissal order entered September 30, 2024. This related civil action is disclosed because it concerned allegations also presented in the coram nobis proceedings.
7. *Faller v. Department of Justice*, No. 24-5955, U.S. Court of Appeals for the Sixth Circuit: judgment entered June 25, 2025; rehearing denied August 8, 2025.
8. *Faller v. Department of Justice*, No. 25-572, Supreme Court of the United States: certiorari denied January 12, 2026. That petition arose from the separate civil action, not the May 4, 2026 coram nobis judgment presented here.

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PETITION FOR A WRIT OF CERTIORARI

James Stuart Faller II respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Sixth Circuit affirming the denial of his petition for a writ of coram nobis.

OPINIONS BELOW

The Sixth Circuit's unpublished order of May 4, 2026, in No. 24-6079 is reproduced at App. 1a-3a; its judgment appears at App. 20a. The order denying rehearing, entered June 15, 2026, appears at App. 19a. The district court's memorandum opinion and order entered June 11, 2024, is available at 2024 WL 2933468 and reproduced at App. 4a-10a. Its memorandum opinion and order denying reconsideration, entered July 28, 2025, is available at 2025 WL 2145702 and reproduced at App. 11a-18a.

JURISDICTION

The court of appeals entered judgment on May 4, 2026. Petitioner's timely petition for rehearing was filed May 8, 2026, and denied June 15, 2026. App. 19a; C.A. Doc. 29. Under Rules 13.3 and 30.1, the time to petition runs from the rehearing denial and extends through Monday, September 14, 2026, because the ninetieth day falls on Sunday, September 13. Jurisdiction is invoked under 28 U.S.C. § 1254(1).

The district court had jurisdiction over the underlying federal criminal prosecution under 18 U.S.C. § 3231. Its authority to entertain the coram nobis petition derives from the All Writs Act, 28 U.S.C. § 1651(a), as recognized in *United States v. Morgan*, 346 U.S. 502, 506-511 (1954).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Article III, Section 2, Clause 1 of the Constitution provides, in relevant part:

"The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; ... to Controversies to which the United States shall be a Party; ..."

The Fifth Amendment provides, in relevant part:

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

The Sixth Amendment provides, in relevant part:

"In all criminal prosecutions, the accused shall enjoy the right ... to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence."

The All Writs Act, 28 U.S.C. § 1651(a), provides:

"The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law."

Section 1254(1) of Title 28 provides that cases in the courts of appeals may be reviewed by this Court:

"By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;"

STATEMENT OF THE CASE

A. The conviction and the petition after completion of sentence

In 2015, a jury convicted petitioner of ten tax-related offenses. He received a sentence of 36 months' imprisonment, three years of supervised release, and restitution exceeding \$140,000. The Sixth Circuit affirmed on direct appeal. *United States v. Faller*, 675 F. App'x 557 (6th Cir. 2017); App. 1a, 4a. The convictions involved several forms of tax-related conduct, not exclusively failure to file returns. App. 4a.

After completing imprisonment and supervised release, petitioner filed for coram nobis relief on September 19, 2022, in the sentencing court. The district court described the filing as approximately ten months after supervised release ended. App. 4a. The petition asserted newly

discovered evidence of innocence, suppression of exculpatory tax records, interference with a defense witness, intrusion into defense preparation, and ineffective assistance on the earlier appeal. R. 405, PageID 8764-8789; App. 1a-2a.

The original petition expressly alleged present consequences: the challenged convictions were preventing petitioner from returning to past professions and obtaining licenses, insurance, and other rights. It concluded with a declaration under penalty of perjury. R. 405, PageID 8789; App. 28a. The courts did not treat that statement as sufficiently specific proof of an ongoing civil disability. App. 2a, 6a. This petition challenges both the legal threshold they applied and the treatment of ordinary consequences as categorically insufficient under that threshold.

B. The evidence identified below and the sealed tax records

Petitioner alleged that, after trial and direct appeal, congressional assistance enabled him to obtain records concerning the 2006-2009 tax periods that the government had withheld. He contended that the records contradicted the prosecution's account of his dealings with the IRS and testimony that he had not submitted the returns. R. 405, PageID 8776, 8779-8780; R. 456, PageID 9226-9227, 9233, 9238. Those assertions describe petitioner's claims; they were not adjudicated findings that every return was timely filed or every offense disproved.

The existence of an IRS-record submission is confirmed independently by the district court's public sealing order. That order identified three IRS letters dated in 2020 and four account transcripts addressing tax periods ending December 31 in 2006, 2007, 2008, and 2009. It directed that the transcripts at R. 409-3, pages 6-13, be filed under seal as part of Exhibit 5 to the coram nobis petition. R. 414, PageID 8848-8849; App. 24a-25a. Petitioner's filings also described actual returns; the sealing order specifically identifies account transcripts. The

significance of the records and their relationship to the charges remain contested merits matters, not facts this petition asks the Court to assume.

Petitioner separately alleged that Melinda Wilson, a proposed defense witness, was taken away by law-enforcement officers using a subpoena during trial, preventing the defense from locating and calling her. He described her anticipated testimony, the efforts to locate her, and an interview after trial. R. 405, PageID 8770-8771. A letter from Kentucky State Senator Adrienne Southworth, filed in the record, also raised the witness-interference and tax-record concerns. R. 425-4, PageID 8918-8919; App. 47a-48a. These are allegations and supporting statements, not findings that the alleged interference occurred.

Petitioner further alleged that disclosures in a later prosecution revealed that two people who assisted his trial defense had supplied information to prosecutors. R. 405, PageID 8777-8778, 8781-8783. An FBI property receipt filed in the coram nobis record identifies a recording and its source device. R. 435-1, PageID 9041-9043; App. 44a-46a. The receipt labels the audio February 22, 2016, after the 2015 trial, and separately identifies potentially privileged documents removed pursuant to taint review. The receipt establishes neither the recording's substantive contents nor prosecutorial use of defense information at trial. Petitioner sought factual development of his allegations; this petition does not substitute the receipt for proof of the disputed link.

C. The district court denied relief on the civil-disability threshold

On June 11, 2024, the district court denied the petition. Applying *United States v. Castano*, 906 F.3d 458 (6th Cir. 2018), it held that the absence of an ongoing civil disability independently sufficed to deny relief. App. 4a-7a. It required an actual, present harm arising from the challenged conviction that was more than incidental. It rejected the generalized

references to professional, licensing, insurance, and other consequences and stated that this failure obviated the need to address the underlying allegations more deeply. App. 5a-6a.

The court also invoked finality and earlier adjudications, including the direct appeal's treatment of the missing-computer issue. App. 6a-7a. It denied an evidentiary hearing because it did not consider a hearing capable of establishing entitlement to relief. App. 10a n.6. Petitioner does not represent these passages as findings in his favor on the other requirements for *coram nobis*.

On June 21, 2024, petitioner moved for reconsideration. He identified asserted restrictions involving professional licenses, insurance, investigation work, firearms, and travel. R. 456, PageID 9223-9225; App. 29a-31a. He also offered to present three witnesses, stating that one could establish civil disability. R. 456, PageID 9236; App. 32a. That offer did not itself supply the documentary license-denial proof the courts demanded.

The district court denied reconsideration on July 28, 2025. It treated the motion under Rule 59(e), concluded that newly specified disabilities should have been presented earlier, and held in any event that the asserted consequences did not qualify. App. 13a-16a. It reasoned that recognizing injuries ordinarily associated with convictions as more than incidental would undermine the extraordinary nature of *coram nobis*. App. 15a. It also denied a hearing even assuming the plausible, non-fantastical allegations were true, because it viewed them as legally insufficient. App. 12a.

D. The Sixth Circuit adopted the same threshold and denied rehearing

The Sixth Circuit affirmed on May 4, 2026. The panel required an ongoing civil disability under *Castano* and *United States v. Singh*, 95 F.4th 1028 (6th Cir. 2024). App. 2a. It considered the asserted professional and licensing restrictions, insurance denial, travel restrictions, and

inability to possess a firearm. App. 2a-3a. It held that petitioner had not established completed denials of the licenses and, independently, that none of the alleged deprivations was more than incidental. App. 3a.

The panel's latter holding is the central legal issue. It characterized the asserted deprivations as regular consequences of a criminal conviction or reputational or economic harms, and reasoned that counting them would make the civil-disability requirement immaterial. App. 3a. Its statement that petitioner supplied no proof, only allegations, concerned his showing of continuing civil disabilities. The panel did not say that no tax documents had been filed. It upheld the denial of a hearing because it viewed the record as establishing ineligibility for relief. *Id.*

Petitioner sought rehearing, challenging the demand for completed denials, the exclusion of ordinary legal consequences, and the refusal to permit evidentiary development. He invoked *Morgan* and *United States v. Denedo*, 556 U.S. 904 (2009), against that narrowing of the remedy. C.A. Doc. 29 at 5-10; App. 35a-40a. Rehearing was denied June 15, 2026, after circulation to the full court; no judge requested a vote on rehearing en banc. App. 19a. This petition seeks review of that completed coram nobis appeal, not a new direct appeal from the 2015 verdict.

REASONS FOR GRANTING THE WRIT

I. The circuits expressly disagree about the continuing consequences necessary for coram nobis review.

This case presents an acknowledged conflict over the administration of a federal remedy under a single federal statute. The question is not whether all collateral attacks should succeed. It is whether a former federal defendant must establish a special ongoing civil disability beyond the

adverse consequences sufficient to sustain an Article III controversy before the court may consider the remaining requirements for relief. The Sixth Circuit answers yes; the Ninth Circuit rejects that requirement, and the Fourth Circuit has expressly endorsed the Ninth Circuit's analysis.

A. The Sixth Circuit deliberately requires more than Article III adverse consequences.

In *United States v. Waters*, 770 F.3d 1146, 1147-1148 (6th Cir. 2014), the Sixth Circuit affirmed denial of coram nobis to a person whose sentence for a tax-related misdemeanor had ended. It adopted an ongoing-civil-disability requirement based on the history of the writ and finality. The court expressly acknowledged that *Hirabayashi v. United States*, 828 F.2d 591 (9th Cir. 1987), had declined to require such a disability, but rejected mootness criteria as the appropriate standard. *Waters*, 770 F.3d at 1148. That was a stated disagreement about the governing rule, not merely a distinction between factual records.

Castano restated the Sixth Circuit's rule, requiring a present harm caused by the challenged conviction that was more than incidental. 906 F.3d at 462-463. It left unresolved whether a realistic threat of a future sentence enhancement sufficed, assuming the requisite interest and denying relief on other grounds. *Id.* at 463-464. The decision below applies the civil-disability test and reasons that treating regular consequences as qualifying disabilities would undermine the requirement itself. App. 3a. Its alternative rationale therefore excludes the asserted consequences because they are ordinary.

B. The Ninth Circuit rejects the additional disability threshold.

In *Hirabayashi*, the Ninth Circuit applied a different rule to a coram nobis challenge after completion of sentence. Its adverse-consequences inquiry was whether the continuing effects of the conviction satisfied Article III. 828 F.2d at 604-606. It rejected the contention that post-

conviction review required a special legal disability and applied the presumption that criminal convictions carry collateral legal consequences. *Id.* at 605-606.

That approach drew on *Sibron v. New York*, 392 U.S. 40, 55-58 (1968), which addressed the continuing controversy after a criminal sentence had been served. *Sibron* did not itself establish the full substantive test for coram nobis. The disagreement is whether its collateral-consequences principles supply that remedy's continuing-controversy requirement or whether finality demands an additional, more restrictive injury requirement. *Waters* expressly rejected the former position; *Hirabayashi* adopted it.

C. The Fourth Circuit has expressly endorsed the Ninth Circuit's approach.

In *United States v. Lesane*, 40 F.4th 191 (4th Cir. 2022), the Fourth Circuit applied four requirements, including adverse consequences sufficient for Article III, rather than a special more-than-incidental civil disability. See *id.*, slip op. at 9, 20-23. It held that the possibility the challenged conviction affected a subsequent sentence, or would affect a future one, satisfied the third requirement. *Id.*, slip op. at 22-23. It expressly adopted the reasoning of *Hirabayashi* concerning presumed collateral consequences. *Id.*, slip op. at 23.

The express conflict is between *Waters* and *Hirabayashi*, reinforced by *Lesane's* endorsement of the Ninth Circuit's reasoning. *Lesane* accepted a possible future sentencing effect; *Castano* left the threatened enhancement's sufficiency undecided. *Lesane*, slip op. at 22-23; *Castano*, 906 F.3d at 463-464. The decision below nevertheless excludes the asserted consequences as ordinary, whereas *Hirabayashi* applies a presumption of collateral consequences. App. 3a; 828 F.2d at 605-606.

Petitioner recognizes the factual distinction: *Lesane* involved undisputed legal innocence following intervening precedent, whereas his own claims involve disputed evidence and

allegations. He does not invoke *Lesane* as a finding that he is innocent or automatically entitled to the writ. He invokes its separately articulated adverse-consequences standard, which governs whether those disputed merits may be considered. *Hirabayashi* also involved newly discovered evidence, but the findings made in that case cannot be imported into this one.

The conflict cannot be resolved by saying that the circuits reached different results on their records. *Waters* identified and rejected the Ninth Circuit's legal standard. *Lesane* later endorsed that standard. The Sixth Circuit applied its contrary rule here. Review is warranted under Rule 10(a) to resolve that disagreement.

II. The additional injury threshold is inconsistent with the proper function of coram nobis under *Morgan* and *Denedo*.

In *Morgan*, this Court recognized federal authority to consider coram nobis relief after the challenged sentence has been fully served. 346 U.S. at 506-513. It acknowledged the force of finality, confined the remedy to compelling circumstances, required sound reasons for not seeking earlier relief, and preserved the presumption of regularity and petitioner's burden of proof. *Id.* at 511-512. It nevertheless explained that the consequences of conviction may persist after sentence, including heavier future penalties and effects on civil rights. *Id.* at 512-513.

Morgan itself involved an actual subsequent sentence enhancement. Petitioner therefore does not contend that it expressly decided every variation of the later circuit conflict. Its reasoning, however, supplies no rule making a collateral consequence insufficient merely because it is an ordinary legal incident of conviction. Finality is protected by the exceptional nature of the error and the requirements governing availability of the writ. An ordinary consequence does not turn a fundamental constitutional error into an ordinary one.

Denedo reaffirmed that modern coram nobis can address fundamental constitutional error and is not confined to its narrow common-law origins. 556 U.S. at 910-911. It recognized finality while preserving review for fundamental flaws in the proceedings, leaving entitlement to relief to be determined on the merits. *Id.* at 916-917. Neither decision requires that a petitioner prove an extraordinary form of post-sentence injury in addition to the extraordinary defect necessary for relief.

The distinction is essential. The adverse-consequences inquiry asks whether the challenged judgment still matters to a live controversy. The fundamental-error inquiry asks whether that judgment warrants the exceptional remedy of reopening. The reasoning below merges those different questions: because certain consequences accompany many convictions, the court concludes they cannot sustain a proceeding whose merits remedy is extraordinary. App. 3a. But many people can have a live controversy while very few can establish a fundamental error, adequate reasons for delay, and the absence of another remedy.

Petitioner's proposed rule does not authorize advisory opinions about historical wrongs, dispense with causation or redressability, or make reputational dissatisfaction enough to vacate a conviction. It requires adverse collateral consequences sufficient under Article III. It then requires the petitioner to satisfy the remaining, demanding conditions for coram nobis. Adopting that rule would preserve both access to a court and the finality safeguards recognized in *Morgan* and *Denedo*.

The decision below also risks conflating a presently operative legal restriction with an application that has already been denied. A restriction can operate before a person incurs the cost of a futile application. Whether any particular asserted license or firearm restriction actually applies to petitioner must be established under the governing law and facts; this petition does not

assume that every conviction bars every license. But the proper inquiry should not categorically disregard existing consequences because they are common, or demand a completed denial where the legal restriction itself supplies the adverse consequence.

III. The threshold issue was dispositive, and correction would require reconsideration under the proper standard.

A. The panel actually decided the disputed legal issue.

The panel applied the ongoing-civil-disability rule and gave two reasons for rejecting petitioner's showing: inadequate proof of completed denials and the asserted consequences' failure to be more than incidental. App. 2a-3a. The second reason rests directly on the legal question presented. Under the Ninth Circuit's presumption, or the Fourth Circuit's adverse-consequences inquiry, the absence of a separately proved exceptional disability would not supply the same independent ground for denial.

Petitioner identified interference with professions, licenses, insurance, and rights in the original verified petition, not only after judgment. App. 28a. His reconsideration motion added particulars. App. 29a-31a. The district court viewed those particulars as untimely under Rule 59(e), but the appellate panel considered them and affirmed their substantive insufficiency under the disability rule. App. 3a, 15a. This Court can therefore review the legal basis actually adopted without holding that reconsideration permits unlimited new evidence or without deciding every procedural question concerning each additional allegation.

The original petition recited the governing Sixth Circuit disability test. App. 26a-27a. Petitioner does not suggest that it contained the same express circuit-conflict analysis presented here. He challenged the exclusion of his continuing consequences and, on rehearing, argued that the panel's interpretation conflicted with *Morgan* and *Denedo*. App. 35a-40a. The issue of what

consequences legally suffice was thus contested and expressly decided; the cited inter-circuit authorities explain why that holding warrants this Court's review.

B. The request is for adjudication under the correct standard, not automatic relief.

The government may dispute petitioner's proof, diligence, characterization of the tax records, and ability to relitigate matters previously decided. The district court expressly relied on earlier decisions concerning some allegations. App. 6a-7a, 17a-18a. Those objections do not eliminate the antecedent legal question that the court of appeals chose to resolve. If this Court rejects the disability threshold, the lower courts can evaluate the remaining requirements and defenses under the correct framework.

The same is true of petitioner's separate Florida conviction, which his submissions disclose. R. 456, PageID 9232; R. 405, PageID 8768 n.3. Petitioner does not represent that vacating the IRS convictions would eliminate every consequence associated with his criminal history. *Lesane* rejected the categorical position that other convictions render a challenged conviction immaterial, but petitioner must still establish the consequences relevant to this judgment. *Lesane*, slip op. at 21-23. A remand would permit that inquiry rather than presuming either that every restriction is uniquely attributable to the IRS case or that none could be.

The panel also acknowledged a restitution component exceeding \$140,000. App. 1a. This petition does not ask the Court to find an unpaid balance, equate a civil tax assessment with criminal restitution, or hold that any financial burden necessarily meets the governing test. Those matters require the actual judgment and payment record. They illustrate why the relief requested is a lawful opportunity for the remaining inquiries, not an unsupported merits decree.

C. The hearing question must be assessed after the legal standard is corrected.

Petitioner repeatedly requested a hearing and offered testimony directed to both the underlying claims and civil disability. App. 12a, 32a. The courts held a hearing unnecessary because the allegations, even if accepted in relevant part, could not meet their restrictive standard. App. 3a, 12a, 18a. Correcting that standard changes what factual development may be material.

Singh does not establish that an allegation of fundamental error always requires a hearing. There, the Sixth Circuit found the existing record sufficient to defeat entitlement to relief, including the claimed prejudice associated with the guilty plea. 95 F.4th at 1033-1035. Petitioner asks for no contrary universal rule. He asks that the decision whether to develop facts not rest on a legally erroneous definition of the consequences that may matter. After correction, the district court can determine what material factual issues, if any, require a hearing.

The distinction between allegation and proof also cuts both ways. A sworn submission does not make every assertion true, and a request to call witnesses is not itself conclusive evidence. But a court should evaluate the evidence actually submitted and the legal significance it could have, rather than treat the supposed absence of an extraordinary injury as a reason to stop the inquiry before the applicable standard is settled.

D. A documented record discrepancy reinforces the need for a focused remand.

One example illustrates why precise treatment of the record matters. The district court said it was unclear whether any of petitioner's other indictments had been dismissed. App. 9a. Yet the original coram nobis filing included a signed October 13, 2021 order dismissing all three counts in federal Case No. 3:20-cr-105 with prejudice. R. 405-4, PageID 8806; App. 41a. That order was filed September 19, 2022, well before the June 2024 decision. Two state dismissal

orders were also filed in March 2023; those dismissals were without prejudice. R. 425-2 and 425-3, PageID 8916-8917; App. 42a-43a.

Petitioner acknowledges that he earlier misstated that all seven indictments had been dismissed, and he corrected that assertion on reconsideration. R. 456, PageID 9235. The actual orders establish the identified dismissals, not innocence of the IRS offenses or the truth of all misconduct allegations. The precise error is the court's broader uncertainty about whether the record established any dismissal despite the filed orders.

Standing alone, this discrepancy would not remove the independent disability rationale and would ordinarily present a case-specific error rather than a sufficient reason for certiorari. See Rule 10. It is not the lead question presented. It supports the appropriateness of remanding for careful adjudication of the actual record once this Court resolves the rule that prevented consideration of the disputed merits.

IV. The question has recurring importance beyond this petitioner.

Coram nobis addresses the situation in which a federal sentence has ended but an allegedly invalid conviction remains. The remedy's practical availability should not turn on whether the sentencing court lies in a circuit that presumes ordinary collateral consequences or one that demands a specially proved civil disability. The difference affects former defendants seeking review of alleged suppression of evidence, denial of counsel, or other fundamental defects long after ordinary custodial remedies cease to be available.

Petitioner's underlying allegations implicate recognized constitutional interests. Suppression of material favorable evidence is addressed by *Brady v. Maryland*, 373 U.S. 83, 87 (1963), and the right to present defense testimony by *Washington v. Texas*, 388 U.S. 14, 19 (1967). Whether the facts here satisfy those doctrines is disputed and remains to be determined.

Their seriousness explains why the threshold should be correct, not why petitioner may bypass the burden of proving them.

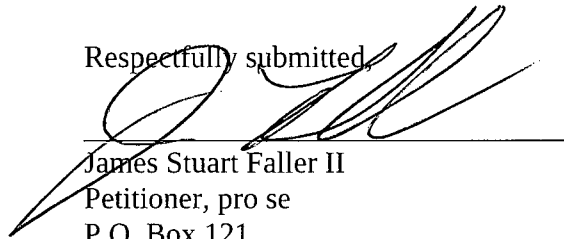
The lower court's sealing order provides a precise means to identify the tax materials without publicly disclosing protected information. App. 21a-25a. Under Rule 12.7, the record remains with the court below unless this Court requests it. Petitioner respectfully requests that the relevant sealed portions, including R. 409-3 at 6-13 and any corresponding refiled exhibit, be obtained through the Clerk if needed to consider this petition. The legal conflict, however, appears on the face of the decisions and does not depend on this Court making initial findings about the tax transcripts.

Petitioner accordingly seeks a limited but important ruling: adverse collateral consequences sufficient under Article III should satisfy the continuing-consequences component, leaving fundamental error, diligence, alternative remedies, causation, and the appropriate scope of factual development to be decided under their proper standards. That resolution would neither accept allegations as facts nor insulate an allegedly unconstitutional conviction merely because its continuing consequences are ordinary.

CONCLUSION

The petition for a writ of certiorari should be granted. After review, the judgment of the court of appeals should be vacated and the case remanded for reconsideration under the correct standard governing the continuing consequences necessary for coram nobis relief, with further proceedings as appropriate on the remaining requirements.

Respectfully submitted,



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