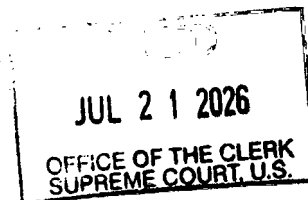


FROM: 64595060
TO:
SUBJECT: Cert Cover Page
DATE: 07/16/2026 08:38:51 PM

26-5623

ORIGINAL

No. _____



IN THE
SUPREME COURT OF THE UNITED STATES

ADAM CARSON - PETITIONER

vs.

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 WRIT OF CERTIORARI

ADAM CARSON 64595-060
FCI WILLIAMSBURG
PO BOX 340
WILLIAMSBURG, SC 29590

PETITIONER, pro se

TRULINCS 64595060 - CARSON, ADAM - Unit: WIL-C-A

FROM: 64595060

TO:

SUBJECT: Question Presented

DATE: 07/16/2026 08:35:10 PM

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QUESTION PRESENTED

If a Petitioner is appointed counsel in a collateral proceeding by the United States Court of Appeals under the Criminal Justice Act, 18 U.S.C. 3006A, does the Petitioner have a due process right to effective assistance of counsel?

LIST OF PARTIES

A list of all parties to the proceeding in the court whose judgment is the subject of this petition is provided below. If a party is a corporation with a stock ticker symbol, that symbol is also included.

Mr. Adam Carson, Petitioner
United States of America, Respondent

RELATED CASES

Carson v. United States, No. 22-3386/3419, United States Court of Appeals for the Sixth Circuit, Judgment entered January 19, 2023

Carson v. United States, No. 22-3386, United States Court of Appeals for the Sixth Circuit, Judgment entered December 13, 2023

In re: Adam Carson, No. 25-3094, United States Court of Appeals for the Sixth Circuit, Judgment entered June 3, 2025

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Case No. 25-3923, 2-27-26

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FROM: 64595060

TO:

SUBJECT: Table of Authorities

DATE: 07/17/2026 02:25:24 PM

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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 judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☒ reported at 2026 U.S. App. Lexis 5929 (6th Cir. 2026); or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☒ reported at 2025 U.S. Dist. Lexis 209237 (C.D. Ohio, 10-23-25); or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 2-27-26.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☒ An extension of time to file the petition for a writ of certiorari was granted to and including July 27, 2026 (date) on May 28, 2026 (date) in Application No. 23 A 1308.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

18 U.S.C. 3006A(g) - The Criminal Justice Act
U.S. Constitution - Fourteenth Amendment
28 U.S.C. 2255

FROM: 64595060

TO:

SUBJECT: Statement of the case (IAC)

DATE: 07/16/2026 06:30:13 PM

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STATEMENT OF THE CASE

On September 17, 2018, the District Court sentenced Mr. Carson to 240 months imprisonment for bank robbery under 18 U.S.C. 2113(a), and Witness Tampering under 18 U.S.C. 1512(b)(1) (R. 107: Judgment, pg id # 1461-68). The Court also ordered Carson to pay \$5590.00 in restitution.

In 2019, the United States Court of Appeals for the Sixth Circuit affirmed Carson's conviction and sentence on Direct Appeal. See: *United States v. Carson*, 796 Fed. Appx. 238 (6th Cir. 2019). This Honorable Court denied Carson's certiorari petition. See: *Carson v. United States*, 140 S. Ct. 2754 (2020).

Carson then filed a motion to vacate under 28 U.S.C. 2255 on October 12, 2021 (R. 167: Motion, pg id # 1714-25). The District Court denied Carson's motion and declined to issue him a certificate of appealability (COA). See: *Carson v. United States*, 2022 U.S. Dist. Lexis 51392 (N.D. Ohio 3-22-22). The Sixth Circuit later granted Carson the largest COA grant in the history of the Sixth Circuit with ten sub-issues granted, including claims that his trial attorney provided ineffective assistance by failing to accept the Government's plea proposal and performed deficiently at trial by committing numerous mistakes, prosecutorial misconduct, and acknowledged that Carson did not knowingly waive his right to testify. See: *Carson v. United States*, 2023 U.S. App. Lexis 1239 (6th Cir. 2023). Counsel was appointed and his arguments proved to be detrimental to Carson because the Sixth Circuit affirmed the denial of Carson's 2255 relief in its entirety. See: *Carson v. United States*, 88 F. 4th 633 (6th Cir. 2023).

During the pendency of Carson's post-conviction proceedings, the District Court issued an order garnishing all the money from Carson's inmate trust account (R. 161: Order, pg id #1696). Carson appealed the illegal seizure of his funds and the Sixth Circuit issued an order vacating the District Court's garnishment order stating that the order was unconstitutional because it contained no factual findings and did not cite any Authority to allow for the removal of Carson's funds. See: *United States v. Carson*, 55 F. 4th 1053 (6th Cir. 2022).

Instead of issuing a lawful order that contained factual findings or Authority to acquire the funds from Carson's inmate trust account, the District Court independently chose to issue an Amended Judgment that reimposed Carson's sentence and changed the monetary penalties (R. 214: Amend. Judgment, pg id # 2091-98). This went beyond the scope of the court's order.

Carson then filed a Direct Appeal on the Amended Judgment (Case No. 23-3412). Court appointed counsel, Jeffrey B. Lazarus, (who was handling Carson's 2255 appeal) induced Carson into withdrawing the Direct Appeal because he was

attempting to negotiate a joint motion to remand in Carson's 2255 appeal and didn't want to "piss off the Government."

The appeal was subsequently "voluntarily dismissed."

After the Sixth Circuit affirmed the denial of Carson's 2255 motion, he then timely filed a new habeas petition under 2255 to challenge his new Judgment (R. 230: Motion, pg id # 2234-45). That petition was not second or successive because it is the first to challenge the new Judgment which authorizes Carson's current confinement. The District Court deemed Carson's new 2255 petition to be successive, refused to address the merits of Carson's petition, and transferred the matter to the Sixth Circuit. The Sixth Circuit determined that Carson's ineffective assistance of counsel claim relied on facts that arose after his initial 2255 motion was fully adjudicated, was not successive, could proceed without authorization, and remanded the case back to the District Court. See: In re: Adam Carson, No. 25-3094 (6th Cir. 2025).

On October 23, 2025, the District Court denied Carson's Motion to Vacate Under 28 U.S.C. 2255, his Motion for an Evidentiary Hearing, and declined to grant Carson a Certificate of Appealability (R. 271, 272: 2255 Memo and Order, pg id #2544-52). Carson timely filed a Notice of Appeal (R. 273: NOA, pg id #2533). On February 27, 2026, The Sixth Circuit denied Carson's application for a COA (Sixth Cir. Case No. 25-3923, Doc 7). This petition for a writ of certiorari now follows.

FROM: 64595060

TO:

SUBJECT: Reasons for Granting the Petition

DATE: 07/16/2026 08:25:19 PM

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REASONS FOR GRANTING THE PETITION

I. QUESTION PRESENTED:

If a Petitioner is appointed counsel in a collateral proceeding by the United States Court of Appeals under the Criminal Justice Act, 18 U.S.C. 3006A, does the Petitioner have a due process right to effective assistance of counsel?

II. ARGUMENT

In denying Carson's 2255 petition and application for a Certificate of Appealability (COA), the District Court and the United States Court of Appeals for the Sixth Circuit claim that Carson did not have a viable Section 2255 claim because he had no Sixth Amendment constitutional right to appointed post-conviction counsel and therefore he was never constitutionally entitled to effective assistance (R. 271: Memo and Order, pg id # 2547-48); Sixth Cir. Case No. 25-3923, Doc 6-1, pg 3). This appeal is not about being denied the right to counsel in a collateral post-conviction proceeding. The Sixth Circuit determined that Carson was entitled to have counsel appointed to him when he made a substantial showing of the denial of several constitutional rights when the court granted him a COA on several grounds. See: Carson v. United States, 2023 U.S. App. Lexis 1239 (6th Cir. 2023). This appeal is about whether Carson was entitled to have effective assistance of counsel and this court must determine if it is ever ok for an attorney to render ineffective assistance of counsel.

Carson is not arguing he was entitled to have post-conviction counsel appointed to him. "The decision to appoint counsel for a federal habeas petitioner is within the discretion of the court and is required only where the interests of justice or due process so require." See: In re: Demarcus Cole, 2024 U.S. App. Lexis 22199 (8-30-24); Mira v. Marshall, 806 F. 2d 636, 638 (6th Cir. 1986) (citing 18 U.S.C. 3006A(g); see also: 18 U.S.C. 3006A(a)(2)(B)) (Whenever "the court determines that the interests of justice so require, representation may be provided for any financially eligible person who...is seeking relief under section 2241, 2254, or 2255 of title 28"). "The exceptional circumstances justifying the appointment of counsel...occur where a petitioner has made a colorable claim, but lacks the means to adequately investigate, prepare, or present the claim." Rogers v. Skipper, 811 F. App'x 986 (6th Cir. 2020). Carson does not need to argue that he had a right to appointed counsel in his 2255 appeal because the Sixth Circuit determined under the Fourteenth Amendment "the interests of justice or due process so require" Carson be appointed counsel because he made a substantial showing of the denial of his constitutional rights.

The District Court and Sixth Circuit tries to misconstrue the ultimate issue here by making it seem like this case is about

being denied counsel in a post-conviction proceeding and cites *United States v. Manso-Zamora*, 991 F. 3d 694, 696 (6th Cir. 2021) and *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987) in support. These case are inapplicable here.

United States v. Manzo-Zamora dealt with the right to appointed counsel in a 18 U.S.C. 3582(c) proceeding and whether his appointed counsel was entitled to withdraw pursuant to *Anders v. California*, 87 S. Ct. 1396 (1967). The court determined that "counsel is entitled to withdraw his services to honor his ethical obligation not to pursue a claim he honestly believes to be frivolous." *Manso-Zamora*, 991 F. 3d at 694. Ironically, new counsel was appointed in this case. The court stated, "The appointment of counsel is warranted here based on the complexity of the relevant legal and factual issues. See: *Lavado v. Keohane*, 992 F. 2d 601, 606 (6th Cir. 1993)" (See: ID).

Pennsylvania v. Finley, 481 U.S. 551, 555 (1987) should not apply here either. This case dealt with the right to counsel in a state post-conviction proceeding. This court determined that a state law providing indigent prisoners the right to assistance of counsel in collateral proceedings did not require the full procedural protections guaranteed by the federal constitution. Further, this case did not establish that an attorney appointed by a United States Court of Appeals under the Criminal Justice Act does not have to represent a federal defendant effectively on appeal.

Since Carson has proved that *Manso-Zamora* and *Pennsylvania v. Finley* are inapplicable here and that he had a due process right to counsel under the Fourteenth Amendment because counsel was required to be appointed to him pursuant to 18 U.S.C. 3006A(g), this court must now decide if there is any time that counsel is not required to provide effective assistance.

Regarding CJA appointments, the Sixth Circuit states in its Local Rules that "Attorney's appointed under any provision of the Act must conform to the highest standards of professional conduct, including, but not limited to, their states ethical and professional requirements and the provisions of the American Bar Associations Code of Professional Responsibility. This appointment is understood to create the usual attorney-client relationship between counsel and the indigent petitioner, with all the ethical considerations and duties of representation attendant thereto. See: *Ferri v. Ackerman*, 100 S. Ct. 402 (1979) ("Indeed, an indispensable element of the effective performance of [defense counsel's] responsibilities is the ability to act independently of the Government and to oppose it in adversary litigation.").

An Attorney is expected to "forcefully advocate" on the behalf of his client in court. *Penson v. Ohio*, 109 S. Ct. 346 (1988). This requires "careful advocacy to ensure that rights are not forgone and that substantial legal and factual arguments are not inadvertently passed over." (ID). Since it is unlikely that a criminal defendant will adequately be able to fight the Government's case without representation, the adversarial process requires that a defendant "have counsel acting in the role of an advocate." *United States v. Chronic*, 104 S. Ct. 2039 (1984) (quoting *Anders v. California*, 87 S. Ct. 1396 (1967)). As Justice Brennan put it, "to satisfy the constitution, counsel must function as an advocate for the defendant, as opposed

- 7 -

to a friend of the court." Jones v. Barnes, 103 S. Ct. 3308 (1983).

This court has made clear that when counsel is appointed in any matter, counsel is constitutionally required to "forcefully advocate for their client," "oppose the Government in adversary litigation," and "ensure that [a defendant's] rights are not forgone." See: (ID). Here, counsel was appointed to Carson by the United States Court of Appeals pursuant to the Criminal Justice Act under the Fourteenth Amendment because due process so required. Therefore, counsel is required to provide effective assistance at all times and this court should hold that the District Court and Sixth Circuit was wrong in their assessment that Carson was not entitled to effective assistance of counsel. Wherefore, based on the above, Carson's Petition for a Writ of Certiorari must be GRANTED.

FROM: 64595060

TO:

SUBJECT: Conclusion

DATE: 07/16/2026 08:32:01 PM

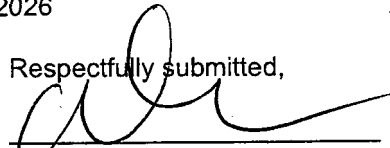
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CONCLUSION

Wherefore, in the interests of due process, fairness, and justice, based on the above aforementioned facts, Carson urges this Honorable Court to Grant this petition for a Writ of Certiorari, Reverse the District Court's denial of his Motion under 28 U.S.C. 2255, and remand the case back to the District Court so an Evidentiary Hearing can be conducted to determine whether ineffective assistance of counsel was rendered in his case.

DONE THIS 19th DAY OF JULY, 2026

Respectfully submitted,



Adam Carson 64595-060

Petitioner, pro se

FCI Williamsburg

PO Box 340

Salters, SC 29590