

No. _____

IN THE
Supreme Court of the United States

JAMES DARRICK BEELER,

PETITIONER,

v.

UNITED STATES OF AMERICA,

RESPONDENT.

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

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

18 U.S.C. § 2252A(b)(2) imposes an enhanced sentence on any defendant who has a prior conviction “relating to . . . the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography[.]” “Child pornography” is defined in 18 U.S.C. § 2256(8).

The question presented, on which the circuits are divided, is whether the sentencing enhancement in 18 U.S.C. § 2252A(b)(2) is triggered by a prior conviction which sweeps more broadly than the federal definition of child pornography.

PARTIES TO THE PROCEEDINGS

Petitioner (appellant below) is James Darrick Beeler.

Respondent (appellee below) is the United States of America.

RELATED PROCEEDINGS

Beeler v. United States, No. 26A27, (U.S. July 7, 2026) (order granting the application to extend the deadline to file a petition for certiorari);

United States v. Beeler, No. 24-3307 (8th Cir. Apr. 14, 2026) (order denying the petition for rehearing and rehearing en banc);

United States v. Beeler, No. 24-3307 (8th Cir. Mar. 6, 2026) (judgment of the Eighth Circuit); and

United States v. Beeler, No. 4:23-cr-00081-SEP (E.D. Mo. Oct. 30, 2024) (judgment of the district court).

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PETITION FOR WRIT OF CERTIORARI

Petitioner James Darrick Beeler respectfully requests a writ of certiorari to review the judgment of the United States Court of Appeals for the Eighth Circuit.

OPINIONS BELOW

The panel opinion of the court of appeals is reported at 168 F.4th 1111 and is reprinted in the Appendix to the Petition (“Pet. App.”) at 1a-7a. The Eighth Circuit’s order denying rehearing and rehearing en banc is unreported, and is reprinted at Pet. App. 25a. The relevant district court findings were transcribed and are included at Pet. App. 8a-15a.

JURISDICTION

Petitioner invokes this Court’s jurisdiction under 28 U.S.C. § 1254(1).

The Eighth Circuit had jurisdiction under 28 U.S.C. § 1291. It entered its opinion and judgment on March 3, 2026 and denied rehearing on April 14, 2026. On July 7, 2026, Justice Kavanaugh granted Petitioner additional time, through September 11, 2026, to file this petition. No. 26A27. Therefore, this petition is timely under Supreme Court Rule 13.

RELEVANT STATUTORY PROVISIONS

18 U.S.C. § 2252A(b)(2) states that anyone who possesses child pornography “shall be fined under this title or imprisoned not more than 10 years, or both, but . . . if such person has a prior conviction . . . relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography, such person shall be fined under this title and imprisoned for not less than 10 years nor more than 20 years.”

Section 2252A is reproduced in full at Pet. App. 26a-29a. “Child pornography” is defined in 18 U.S.C. § 2256, which is reproduced in full at Pet. App. 30a-31a.

STATEMENT OF THE CASE

I. Legal Background

“[U]nder the Due Process Clause of the Fifth Amendment and the notice and jury trial guarantees of the Sixth Amendment, any fact (other than prior conviction) that increases the maximum penalty for a crime must be charged in an indictment, submitted to a jury, and proven beyond a reasonable doubt.” *Jones v. United States*, 526 U.S. 227, 243 n.6 (1999); *accord Apprendi v. New Jersey*, 530 U.S. 466, 490 (2000). For that reason, a court deciding whether to apply a recidivist sentencing enhancement which increases an applicable statutory maximum “cannot go beyond identifying the crime of conviction to explore the manner in which the defendant committed that offense.” *Mathis v. United States*, 579 U.S. 500, 511 (2016).

Given these constitutional constraints, the applicability of a recidivist sentencing enhancement is generally assessed by employing a “categorical approach” focusing exclusively on the elements of the prior conviction. *See Taylor v. United States*, 495 U.S. 575, 600 (1990) (coining the term in this Court’s jurisprudence and explaining that 18 U.S.C. § 924(e) requires courts to “look only to the fact that the defendant had been convicted of crimes falling within certain categories, and not to the facts underlying the prior convictions”). Although the categorical approach varies slightly according to the language of the statutory enhancement at issue, it generally requires courts to identify the elements of the defendant’s prior conviction and to evaluate those elements against a set of specific criteria. *See Shular v. United States*, 589 U.S. 154, 158 (2020).

The increased statutory maximum in 18 U.S.C. § 2252A(b)(2), for example, is triggered by a prior conviction “relating to . . . the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography.” Identical or near-

identical sentencing enhancements can be found throughout Chapter 110 of title 18. *See* 18 U.S.C. §§ 2251(e), 2252(b)(1)-(b)(2), and 2252A(b)(1).

The courts of appeals agree that, in order to determine whether a recidivist sentencing enhancement in Chapter 110 should apply, courts must use the categorical or modified categorical approach to determine whether the elements of the defendant’s prior conviction “relate to” the listed offenses. However, there is little agreement beyond this initial premise.

Indeed, the circuits are fundamentally divided over how to identify convictions “relating to” child pornography which trigger these recidivist enhancements. The term “child pornography” is specifically defined in Chapter 110. *See* 18 U.S.C. § 2256(8). To qualify as child pornography, a visual depiction of a minor must involve “sexually explicit conduct.” *Id.* “Sexually explicit conduct” is defined, in turn, to include actual or simulated sexual intercourse, bestiality, masturbation, sadistic or masochistic abuse, and the lascivious exhibition of the anus, genitals, or pubic area of any person. 18 U.S.C. § 2256(2).

The Sixth and Ninth Circuits have held that courts should not apply a Chapter 110 enhancement unless the defendant’s prior conviction involved a visual depiction which meets the federal definition of child pornography. *See United States v. McGrattan*, 504 F.3d 608, 611-15 (6th Cir. 2007); *United States v. Reinhart*, 893 F.3d 606, 610-21 (9th Cir. 2018).

In *McGrattan*, for example, the defendant was convicted under an Ohio statute which made it illegal to “[p]ossess or view any material or performance that shows a minor who is not the person’s child or ward in a state of nudity.” 504 F.3d at 610 (quoting Ohio Rev. Code § 2907.323(A)(3)). At the time of the defendant’s conviction, Ohio defined “nudity” to include inadequately covered breasts or buttocks. *See id.* at 614 (citing Ohio Rev. Code § 2907.01(H)). This definition created a categorical mismatch: as the Sixth Circuit

emphasized, the defendant could have been convicted of possessing or viewing material which involved inadequately clothed breasts or buttocks rather than the lascivious exhibition of the anus, genitals, or pubic area. *Id.* at 615. In other words, the defendant could have been convicted of possessing material which did meet the federal definition of “child pornography.” As a result, the recidivist sentencing enhancement did not apply. *Id.*

In contrast, the First, Third, Fifth, Seventh, Eighth, and Tenth Circuits do not require an exact match between the federal definition of child pornography and the elements of the predicate offense. See *United States v. Trahan*, 111 F.4th 185, 191-97 (1st Cir. 2024); *United States v. Portanova*, 961 F.3d 252, 254-62 (3rd Cir. 2020); *United States v. Mendoza*, __ F.th ___, 2026 WL 2280000, at *2-5 (5th Cir. Aug. 7, 2026); *United States v. Liestman*, 97 F.4th 1054, 1058-65 (7th Cir. 2024); *United States v. Mayokok*, 854 F.3d 987, 991-93 (8th Cir. 2017); *United States v. Bennett*, 823 F.3d 1316, 1321-25 (10th Cir. 2016). As the Third Circuit puts it, these courts apply a “looser” version of the categorical approach. *Portanova*, 961 F.3d at 256.

In this case, the Eighth Circuit acknowledged that Petitioner had been convicted of an overbroad state offense; nevertheless, the court of appeals found that the conviction was related to child pornography and affirmed the application of the recidivist sentencing enhancement in 18 U.S.C. § 2252A(b)(2). Pet. App. 4a-5a. As a result, granting certiorari would give this Court an opportunity to clarify the scope of § 2252A(b)(2), providing much-needed guidance about how the categorical approach works in relation to Chapter 110’s sentencing enhancements and resolving a longstanding, ever-growing circuit split.

II. Factual and Procedural Background

In 2022, Missouri state police discovered two videos of child pornography on a peer-to-peer file sharing service. Pet. App. 2a. Investigators linked the IP address sharing the videos

to Petitioner James Darrick Beeler, a 51-year-old military veteran who, at the time, was living in northern Missouri, working in construction, and caring for his disabled parents. Pet. App. 2a; Dist. Ct. Dkt. 71 at 11-15.¹

After searching Petitioner's home, police located additional images of child pornography. Pet. App. 2a. As a result, Petitioner was federally indicted and ultimately pled guilty to possessing child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B). *Id.*

Prior to sentencing, petitioner objected to the imposition of an enhanced sentence under 18 U.S.C. § 2252A(b)(2). Dist. Ct. Dkt. 53. He conceded that he had a prior conviction for "Abuse of a Child," in violation of Mo. Rev. Stat. § 568.060.1(2) (2007). *Id.* at 2-4. However, he argued that this conviction was not categorically related to any of the child pornography offenses listed in 18 U.S.C. § 2252A(b)(2). *Id.* at 5-10.

Petitioner's objection explained that, at its broadest, the Missouri statute applies to anyone who produces a visual depiction of a nude minor while intending or anticipating that this visual depiction will sexually stimulate another person. *Id.* at 5-6. The image does not need to feature the minor's genitals or pubic area: it is enough if he or she is "inadequately or partially clothed." *State v. Foster*, 838 S.W.2d 60, 68 (Mo. App. E.D. 1992). Thus, prosecutions under Mo. Rev. Stat. § 568.060.1(2) do not always involve the "lascivious exhibition of the anus, genitals, or pubic area." 18 U.S.C. § 2256(2)(A)(v). Like the Ohio statute at issue in *McGrattan*, the Missouri statute criminalizes images which do not meet the federal definition of child pornography.

Petitioner conceded that, under the Eighth Circuit's case law, "this categorical

¹ "Dist. Ct. Dkt." refers to the docket in *United States v. Beeler*, No. 4:23-cr-00081-SEP (E.D. Mo.).

mismatch is not outcome determinative.” *Id.* at 6 (internal quotations omitted). He noted that, on two prior occasions, the court of appeals had held that “a state conviction can ‘relate to’ child pornography if the broadest conduct that it criminalizes involves the lascivious exhibition of a body part other than the genitalia or pubic area.” *Id.* (citing *Mayokok*, 854 F.3d at 991-93, and *United States v. Box*, 960 F.3d 1025 (8th Cir. 2020)).

In *Mayokok*, the Eighth Circuit held that a Minnesota conviction for “Possession of a Pornographic Work Involving Minors” triggered the enhancement set forth in 18 U.S.C. § 2252(b)(1). *See* 854 F.3d at 993. This Minnesota statute criminalized the possession of images which did not qualify as “child pornography” because, at its broadest, the statute criminalized the possession of images involving “physical contact with . . . the breasts of the female” in “an act of apparent sexual stimulation or gratification.” *Id.* at 992 (quoting Minn. Stat. § 617.246, subd. 1(e)(5)). The opinion in *Mayokok* conceded that “one can conjure scenarios that violate one statute but not the other.” *Id.* Nevertheless, the court of appeals reasoned that “[t]he question . . . is not whether the statutes criminalize exactly the same conduct, but whether the full range of conduct proscribed under [the state statute] *relates to* the ‘possession . . . of child pornography’ as that term is defined under federal law.” *Id.* at 992-93. Applying a prior opinion which held that the phrase “‘relating to’ carries a broad ordinary meaning, i.e., to stand in some relation to; to have bearing or concern; to pertain; refer; to bring into association or connection with,” the court of appeals concluded, without elaboration, that the Minnesota statute “necessarily relates to the ‘possession . . . of child pornography’ under federal law.” *Id.* at 993 (quoting *United States v. Sonnenberg*, 556 F.3d 667, 671 (8th Cir. 2009)). The enhancement applied.

Box involved a nearly identical issue. At its broadest, the Arkansas statute at issue in

that case allowed defendants to be convicted for possessing images of a minor engaged in the “lewd exhibition” of her breast. *See Box*, 960 F.3d at 1026 (citing Ark. Code. Ann. §§ 5-27-602, 5-27-601(15)(F)). While noting that “[u]nder federal law, child pornography does not include lascivious exhibition of the female breast,” the court of appeals followed *Mayokok* and held that such images related to child pornography. *Id.* at 1026-27.

Despite the precedent set by *Mayokok* and *Box*, Petitioner argued that the Eighth Circuit had never addressed Mo. Rev. Stat. § 568.060.1(2) and additionally argued that, by criminalizing depictions of non-lascivious nudity, the Missouri statute swept far more broadly than the federal definition of child pornography. Dist. Ct. Dkt. 53 at 9.

At sentencing, the district court judge agreed that “this has not been decided before[.]” Pet. App. 14a. Nevertheless, she applied the contested enhancement and sentenced Petitioner to 120 months in custody, the minimum amount of time required by 18 U.S.C. § 2252A(b)(2). *Id.* at 14a-15a, 17a.

Petitioner appealed his conviction, and the Eighth Circuit affirmed. *Id.* at 1a-7a. The panel opinion conceded that this case presented a “close question.” *Id.* at 7a. Nevertheless, it reasoned that “the statute triggering the mandatory minimum requires only a relation to an enumerated offense, not an equivalency.” *Id.* at 4a. And it held that “[a]lthough Missouri law may not have included each element of child pornography, as defined under federal law in 18 U.S.C. § 2256, Beeler’s conviction under Mo. Rev. Stat. § 568.060.1(2) undeniably pertains to, is connected with, or stands in some relation to child pornography.” *Id.* at 5a.

Petitioner filed a motion for rehearing and rehearing en banc, which was denied. *Id.* at 25a.

REASONS FOR GRANTING THE WRIT

The judgment below squarely conflicts with decisions from two other circuits, perpetuating a deeply entrenched, ever-growing divide amongst the courts of appeals. This conflict involves an important and recurring question of federal sentencing law which, absent this Court's intervention, has the potential to result in years of unnecessary prison time for hundreds of defendants prosecuted each year. Petitioner's case presents an excellent vehicle to resolve the relevant circuit conflict, as well as an opportunity to correct the Eighth Circuit's erroneous reasoning. The Court should grant certiorari.

I. The circuits cannot agree on the scope of the “relating to” clause in 18 U.S.C. § 2252A(b)(2) and similar statutes in Chapter 110.

The circuits are split 6-2 on how to interpret the sentencing enhancements set forth in Chapter 110 of title 18. *See infra* at 3-4. This conflict can be traced to a fundamental disagreement over the scope of the “relating to” clause contained in all of these enhancements. Indeed, the six circuits on the majority side of the split have interpreted the “relating to” clause very broadly. All of them have cited this Court's decision in *Morales v. Trans World Airlines, Inc.* as integral to their reasoning. *See Trahan*, 111 F.4th at 194; *Portanova*, 961 F.3d at 258 n.32; *Mendoza*, 2026 WL 2280000, at *3; *Liestman*, 97 F.4th at 1060; *Mayokok*, 854 F.3d at 993 n.2; *Bennett*, 823 F.3d at 1322.

Morales determined that, as used in the Airline Deregulation Act of 1978, “relating to” means “to stand in some relation; to have bearing or concern; to pertain; refer; to bring into association with or connection with.” 504 U.S. 374, 383 (1992) (quoting Black's Law Dictionary 1158 (5th ed. 1979)). Applying that definition in the context of Chapter 110 enhancements has led the First, Third, Fifth, Seventh, Eighth, and Tenth Circuits to conclude that a predicate offense does need to involve child pornography; instead, it is enough for a

predicate offense to “stand in some relation” to child pornography. *See Trahan*, 111 F.4th at 192 (concluding that, in 18 U.S.C. § 2252A(b)(2), the “relating to” clause “takes on its usual broad meaning and its inclusion means that a state definition need not be a perfect match with the federal definition of child pornography in order to trigger application of the mandatory minimum”); *Portanova*, 961 F.3d at 256 (3d Cir. 2020) (concluding that, in § 2252(b)(1), “the phrase ‘relating to’ must be read expansively and encompasses crimes other than those specifically listed” (cleaned up)); *Mendoza*, 2026 WL 2280000, at *4 (concluding that, in order to trigger the enhancement in § 2252A(b)(1), a prior conviction “must only ‘stand in some relation to’ or have a ‘connection with’ the federal offense”); *Liestman*, 97 F.4th at 1065 (concluding that, in § 2252(b)(1), “‘relating to’ . . . brings within the ambit of the enhancement any prior offense that categorically bears a connection with . . . ‘the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography’”); *Mayokok*, 854 F.3d at 992-93 (concluding that, in § 2252(b)(1), “‘relating to’ carries a broad ordinary meaning” so the question is “not whether the statutes criminalize exactly the same conduct”); *Bennett*, 823 F.3d at 1322 (concluding that a prior state offense “need only stand in some relation to, pertain to, or have a connection with” child pornography in order to trigger § 2252A(b)(2)’s enhancement (cleaned up)).

There is slight variation amongst these six circuits. For example, the Fourth Circuit asks whether a prior state conviction is “logically connected” to an enumerated child pornography offense and whether the two statutes address “the same, core criminal conduct.” *Portanova*, 961 F.3d at 258. The First and Seventh Circuits have looked to the “core purpose” of the state offense, applying the enhancement if the offense penalizes participation in the market for images of the sexual abuse of children. *Liestman*, 97 F.4th at 1066; *Trahan*, 111

F.4th at 197. Nonetheless, the essential standard is the same: these six courts are simply asking whether the prior state conviction has a “connection to the specified conduct,” and are not looking for an element-by-element match. *Mendoza*, 2026 WL 2280000, at *3.

On the minority side of the split, the Ninth Circuit has most comprehensively articulated its reasons for requiring an element-by-element match and constraining the scope of the “relating to” clause. As the court’s opinion in *Reinhart* explained, “where there are federal definitions in chapter 110 that apply to the relevant ‘child pornography’ clause in § 2252(b)(2), we apply those definitions [and those] definitions provide a basis in the statutory text that requires a narrower reading of ‘relating to.’” 893 F.3d at 614. *Reinhart* additionally emphasized that “focusing on the legal question of what a conviction necessarily established . . . promote[s] efficiency, fairness, and predictability[.]” *Id.* (emphasis altered).

II. Without a decision from this Court, the split will only continue to grow.

The circuits have recognized that they are in conflict. In *Mendoza*, for example, the Fifth Circuit noted that it had been asked to choose between two competing interpretations of the “relating to” clause. 2026 WL 2280000, at *3. It emphasized that, by rejecting a narrow reading of the clause, it joined the “majority of circuits to have considered the question.” *Id.* at *9. The First Circuit used similar language in *Trahan*. *See* 111 F.4th at 192. And the Seventh Circuit did the same in *Liestman*. 97 F.4th at 1065.

These three cases were all decided within the past three years—a sure sign that, if left unchecked, this conflict will only continue to grow. There is no guarantee that courts will continue to side with the majority; in fact, the en banc decision in *Liestman* was a very close vote. In that case, the Seventh Circuit split 6-5 over whether to embrace a broad reading of the “relating to” clause, and Judge Wood’s dissent roasted the majority for using the clause

as a “get-out-of-jail-free card from the categorical approach.” *Liestman*, 97 F.4th at 1070. As Judge Wood saw it, the majority interpreted the phrase in a way which was “so broad and undefined,” that, moving forward, “even the loosest of connections to the federal crime . . . will suffice to qualify the earlier state crime as a proper enhancer[.]” *Id.*

Judge Wood’s dissent echoed points that Judge Hartz made years earlier when dissenting in *Bennett*. See 823 F.3d at 1327-29. In that case, Judge Hartz made clear that he “agree[d] with the majority that the term *related to* is broad language.” *Id.* 1327. But he argued that the interpretation of this clause “must somehow be anchored to prevent it from drifting aimlessly” and advocated for a “a strict limitation to federally defined ‘child pornography[.]’” *Id.* at 1327, 1329.

The Ninth Circuit ultimately embraced Judge Hartz’s dissent in *Reinhart*. See 893 F.3d at 616. By anchoring the scope of Chapter 110’s enhancements to the federal definition of child pornography, the court acknowledged that it was “at odds with the Tenth Circuit.” *Id.* at 615. Nonetheless, it entered into this conflict with eyes wide open.

Over the years, this circuit split has proved to be remarkably persistent. And with thoughtful opinions on both sides, the issue is ripe for review. This Court’s intervention could have an immediate salutary effect, clarifying—once and for all—the scope of the “relating to” clause and the methodology which should be used to identify predicate offenses.

III. The question presented is important.

A. Chapter 110 enhancements dramatically increase the sentences of hundreds of federal defendants every year.

As discussed above, Petitioner has asked the Court to interpret 18 U.S.C. § 2252A(b)(2); however, a decision in this case would also impact the interpretation of 18 U.S.C. §§ 2251(e), 2252(b)(1)-(b)(2), and 2252A(b)(1), recidivist enhancements which contain

identical or near-identical language. For that reason, this case has the potential to dramatically impact federal sentencing trends related to the production, distribution, receipt, and possession of child pornography.

Approximately 1,300 people are sentenced each year for child pornography offenses. *See* U.S. Sentencing Comm’n, *Quick Facts: Child Pornography Offenses* (2025). 99% of those people are sentenced to federal prison time, *id.*, and the imposition of a recidivist sentencing enhancement can have a considerable impact on the amount of time imposed. *See* U.S. Sentencing Comm’n, *Mandatory Minimum Penalties for Sex Offenses in the Federal Criminal Justice System* (2019). For example, the Sentencing Commission has reported that, in fiscal year 2016, 119 defendants were subject to the 10-year mandatory minimum in 18 U.S.C. § 2252A(b)(2). *Id.* at 33. And the average sentence for those offenders was “substantially longer than the average sentence for those offenders who were convicted of a possession offense . . . which does not carry a mandatory minimum penalty.” *Id.* at 5 (citing an average sentence of 55 months for defendants who were not subject to the 10-year mandatory minimum and an average of 136 months for defendants who were).

B. Petitioner’s case does not present an isolated issue.

As the Seventh Circuit observed in *Liestman*, at least 40 states have criminalized the possession of “some material—like an image of a minor’s breast or buttock—that federal law does not reach.” 97 F.4th at 1061. Thus, the question Petitioner has presented is one which will continue to recur if this Court does not intervene.

IV. This case is an excellent vehicle for resolving circuit conflict.

There are no preservation issues in this case. Petitioner filed a written objection to the § 2252A(b)(2) sentencing enhancement in district court, *see* Dist. Ct. Dkt. 53, and pursued that same issue on appeal. Pet. App. 2a-3a.

Ultimately, the Eighth Circuit resolved Petitioner’s case by leaning into the circuit conflict. The panel acknowledged that Petitioner “pled guilty to recording nude minor children” and that “a . . . depiction of a nude child does not automatically qualify as child pornography under federal law[.]” *Id.* at 4a. But despite this finding—a finding that the Missouri state statute was overbroad—the Eighth Circuit still affirmed the application of the 10-20 year sentencing range. *Id.* at 5a.

By resolving the case in this way, the Eighth Circuit exposed Petitioner to a sentencing disparity caused solely by geography. If Petitioner had been federally prosecuted in the Western District of Arkansas or Western District of Tennessee—neighboring districts in the Sixth Circuit—he would have faced a statutory sentencing range of 0-10 years and a Guideline range of 78-97 months. *See* Dist. Ct. Dkt. 71 at 16. All things being equal, it is likely that Petitioner would have received a far lower sentence.

Indeed, Petitioner’s specific circumstances highlight the importance of the question presented. There is no indication that Petitioner would have received a 10-year sentence if he had not been subject to the contested enhancement. In fact, the sentencing judge emphasized that she did not think that “more than [120 months] is necessary,” noting that a higher sentence was her only option under 18 U.S.C. § 2252A(b)(2). Dist. Ct. Dkt. 83 at 37. The judge also found that Petitioner had presented a significant amount of mitigation, citing his “history of trauma, sexual and mental abuse, [and] learning difficulties,” in addition to his

“unusually positive employment history,” “history of service to our country in the military,” lack of prior incarceration, and community support. *Id.* at 37-38. For this reason, Petitioner is likely to receive a much lower sentence if this Court reverses the judgment of the Eighth Circuit. At stake, for him, are years of incarceration.

V. The decision below was wrong.

A. The Eighth Circuit’s decision is consistent with the approach taken by the majority of appellate courts; however, it cannot be squared with statutory text and context.

When a recidivist sentencing enhancement is premised upon a conviction which “involves” a specific type of conduct, the sentencing court “simply ask[s] whether the prior convictions [have] met that measure.” *Shular*, 589 U.S. at 158-59 (citing *Stokeling v. United States*, 586 U.S. 73 (2019); *Kawashima v. Holder*, 565 U.S. 478 (2012)). That is how 18 U.S.C. § 2252A(b)(2) should work: for, on its face, the statute requires courts determine whether the defendant has a prior conviction “relating to” a specific type of conduct—namely, the “possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography.”

As noted *infra*, the term “child pornography” is defined by statute. 18 U.S.C. § 2256, which provides the definitions applicable to all of the Chapter 110 sentencing enhancements, specifies that “child pornography” must involve a depiction of “sexually explicit conduct.” 18 U.S.C. § 2256(8). Familiar principles of statutory interpretation mean that this definition should be followed in the absence of strong countervailing context. *See Hubbard v. United States*, 514 U.S. 695, 700-01 (1995)). But, under the approach taken by the Eighth Circuit, it is as if this statutory definition does not exist.

Consider the opinion in Petitioner’s case: there, the panel agreed that Petitioner had been convicted of recording nude children and conceded that a visual depiction of a nude child “does not automatically qualify as child pornography under federal law[.]” Pet. App. 4a-5a. But that did not matter to the outcome of the case: without significant explanation or elaboration, the court simply concluded that “[a]lthough Missouri law may not have included each element of child pornography, as defined under federal law in 18 U.S.C. § 2256, Beeler’s conviction under Mo. Rev. Stat. § 568.060.1(2) undeniably pertains to, is connected with, or stands in some relation to child pornography.” *Id.* at 5a.

Of course, the Eighth Circuit has attempted to justify this free-wheeling analysis by emphasizing the “broad . . . meaning” of the statute’s “relating to” clause. *Id.* at 3a (citing *Sonnenberg*, 556 F.3d at 671; *Mayokok*, 854 F.3d at 993). But this myopic focus on the “relating to” clause has caused the Eighth Circuit to ignore the rest of the statutory text and context.

B. This Eighth Circuit’s broad construction of the “relating to” clause is in tension with this Court’s precedent.

This Court confronted a similar problem in *Mellouli v. Lynch*, 575 U.S. 798, 806 (2015)). *Mellouli* required this Court to interpret 8 U.S.C. § 1227, which authorizes the removal of any alien “convicted of a violation of . . . any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in section 802 of Title 21).” 8 U.S.C. § 1227(a)(2)(B)(i). The question before the Court was whether Mellouli’s prior conviction for the use of drug paraphernalia, a violation of Kansas Ann. Stat. § 21-5709(b), would trigger his removal. *Mellouli*, 575 U.S. at 802.

The Board of Immigration Appeals had already determined that this type of conviction “related to” a federal controlled substance offense because it was a crime “associated with the drug trade in general.” *Id.* at 809. The Eighth Circuit applied that same reasoning; this Court

did not. *Id.* at 809-13. It concluded that construing the “relating to” clause as broadly as the BIA and Eighth Circuit would mean that *any* drug offense would render an alien removable, “without regard to the appearance of [a] drug on a § 802 schedule.” *Id.* at 811-13. For that reason, the Court concluded that context tugged in favor of a narrower reading. *Id.* at 812. Any other ruling risked extending the “relating to” clause to the “furthest stretch of . . . indeterminacy,” stopping nowhere. *Id.*

As Judge Hartz observed in *Bennett*, “[t]he parallel to the statute before us is obvious.” 823 F.3d at 1328. Without anchoring the required categorical analysis to § 2256(8)’s definition of child pornography, § 2252A(b)(2) becomes completely indeterminate: “even the loosest of connections to the federal crime . . . will suffice to qualify the earlier state crime as a proper enhancer[.]” *Liestman*, 97 F.4th at 1070 (Wood, J., dissenting).

Mellouli offers a path forward. This Court should take it.

C. Reinterpreting the statute is required to avoid a due process problem.

The Eighth Circuit’s current interpretation of 18 U.S.C. § 2252A(b)(2) is so indeterminate, so vague, that it creates serious constitutional problems. The principal issue is that there is no objective measure of relatedness—no true-or-false, yes-or-no inquiry that a court can conduct. For that reason, the standard that the Eighth Circuit has asked lower courts to apply is uncomfortably subjective. It is not hard to imagine a sentencing judge whose justification for imposing the enhancement is purely circular, a judge who believes that the defendant’s prior conviction is related to child pornography because, well, she believes that the prior conviction is related to child pornography.

This Court has voided statutes which “tie[] criminal culpability to . . . wholly subjective judgments without statutory definitions, narrowing context, or settled legal

meanings.” *United States v. Williams*, 553 U.S. 285, 306 (2008). Such statutes run afoul of the Due Process Clause. *See id.* at 304. Of course, the Eighth Circuit rejected Petitioner’s argument that its interpretation of 18 U.S.C. § 2252A(b)(2) met the void-for-vagueness threshold. *See* Pet. App. 5a-7a. But in this context, that makes no difference: the canon of constitutional avoidance requires this Court to eschew interpretations which raise “serious questions of constitutionality” in addition to interpretations which are patently unconstitutional. Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* 247-48 (1st ed. 2012).

Given its broad and indeterminate scope, the Eighth Circuit’s interpretation of 18 U.S.C. § 2252A(b)(2) raises serious questions of constitutionality. It is not an interpretation that should be adopted by this Court, and it should not remain the law in five other circuits.

CONCLUSION

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

Respectfully submitted this 11th day of September, 2026,

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