

No. 26-5679

In the
Supreme Court of the United States

Ramon Aponte,

Petitioner,

v.

United States of America,

Respondent.

On Petition for a Writ of Certiorari to
The United States Court of Appeals
For the Second Circuit

SUPPLEMENTAL BRIEF OF PETITIONER

Matthew B. Larsen
Counsel of Record
Federal Defenders of New York
Appeals Bureau
52 Duane Street, 10th Floor
New York, New York 10007
(212) 417-8725
Matthew_Larsen@fd.org

Counsel for Petitioner

SUPPLEMENTAL BRIEF OF PETITIONER

Pursuant to Rule 15.8, Petitioner Ramon Aponte submits this brief to call the Court's attention to "matter not available at the time of [his] last filing."

On September 21, 2026, Aponte filed his Petition for a Writ of Certiorari, which presents the "question left open after" this Court's ruling in *United States v. Taylor*, 596 U.S. 845 (2022): whether "completed Hobbs Act robbery qualifies as a crime of violence under [18 U.S.C.] § 924(c)(3)(A)." *United States v. Stoney*, 62 F.4th 108, 113 (3d Cir. 2023). Aponte's petition also involves whether, given that this question is undisputedly "debatable," *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003), a certificate of appealability ("COA") should issue.

The District Court and a panel of the Second Circuit denied Aponte a COA. His petition for panel or en banc rehearing, submitted on August 4, 2026, was not docketed given the mandate's having already issued; it issued in error, however, so on August 6, 2026, Aponte moved the Circuit to recall its mandate. *See* Cert. Pet. at 5 n.1.

Yesterday, October 7, 2026, the Circuit decided that motion and recalled its mandate. Aponte's petition for panel or en banc rehearing is now marked as filed and is pending. *See* 2d Cir. 23-6694, Docket Entries 47, 54.

Accordingly, this Court might wish to hold Aponte's certiorari petition. If his petition for panel or en banc rehearing is granted and a COA issues, Aponte will move to dismiss this case.

I will update the Court once the Circuit acts on the rehearing petition.

Respectfully submitted,

Matthew B. Larsen
Counsel of Record
Federal Defenders of New York
Appeals Bureau
52 Duane Street, 10th Floor
New York, NY 10007
(212) 417-8725
Matthew_Larsen@fd.org

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