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

FOURTH SUPPLEMENTAL BRIEF OF PETITIONER

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FOURTH 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. As shown in Aponte's petition, one reason Hobbs Act robbery is not a § 924(c) predicate is that "can be committed by threatening self-harm." Pet. at 10.

Yesterday, November 3, the Chief Judge of the United States District Court for the District of Maryland issued a COA as to whether "Hobbs Act robbery is not a § 924(c) crime of violence because a defendant could commit it by threatening self-harm." *Scott v. United States*, D. Md. 09-cr-581, Docket Entry 160 at 13 (attached hereto as Exhibit A). And the Chief Judge issued the COA even though "the Fourth Circuit has repeatedly confirmed that Hobbs Act robbery is a crime of violence under 18 U.S.C. § 924(c)." *Id*. at 8.

"The Fourth Circuit has not yet considered Scott's argument that Hobbs Act robbery is not a § 924(c) crime of violence because a defendant could commit it by threatening self-harm. Reasonable jurists could disagree on this argument because

the Southern District of New York has accepted it for stalking and cyberstalking, but the Second Circuit has rejected it for Hobbs Act robbery. This split indicates that the argument is worthy of further consideration." *Id.* at 13 (citing *United States v. Mangione*, 818 F. Supp. 3d 509 (S.D.N.Y. 2026), which Aponte cites on page 7 of his petition, and *United States v. Elias*, 2025 WL 2857883 (2d Cir. 2025)).[1]

As detailed in Aponte's petition, this Court should decide the exceedingly "important question" of whether Hobbs Act robbery is a § 924(c) predicate. Sup. Ct. R. 10(c). Failing that, the Court should grant Aponte's petition, vacate the Circuit's order denying him a COA and remand with instructions to issue the COA. Undisputedly – and as yesterday's ruling in *Scott* further confirms – whether Hobbs Act robbery is a § 924(c) predicate is "debatable amongst jurists of reason." *Miller-El*, 537 U.S. at 336.

If nothing else, and as shown in Aponte's supplemental brief of October 22, the Court should hold Aponte's petition pending its ruling in *Berry v. United States*, Sup. Ct. 25-7026.

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[1] The *Scott* court said the Second Circuit in *Elias* "rejected" the self-harm argument, but that is incorrect. The Circuit said simply that it was "bound by [its] decision in *McCoy*" to hold that "'completed Hobbs Act robberies are categorically crimes of violence pursuant to section 924(c)(3)(A).'" *Elias*, 2025 WL 2857883, at *1 (quoting *United States v. McCoy*, 58 F.4th 72, 74 (2d Cir. 2023)). The Circuit said the same thing in *United States v. Barrett*, 102 F.4th 60 (2d Cir. 2024): "we are bound by *McCoy*." *Id.* at 82.

As noted on page 13 of Aponte's certiorari petition, his arguments – including the self-harm argument – "weren't made in *McCoy*," let alone analyzed or rejected on the merits. "As far as Petitioner can tell," in fact, "no circuit has rejected (or been willing to hear) his argument that Hobbs Act robbery isn't a § 924(c) predicate given that it can be committed by threatening self-harm." Pet. at 11.

Respectfully submitted,

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November 4, 2026

Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

KEVIN ALEXANDER SCOTT,	*	
Petitioner,	*	
v.	*	Civil Case No. GLR-16-1930 (Rel. Crim. No. GLR-09-581)
UNITED STATES OF AMERICA,	*	
Respondent.	*	

***

ORDER

Pending before the Court is Petitioner Kevin Alexander Scott's Motion to Vacate, Set Aside, or Correct Sentence Under 28 U.S.C. § 2255 (ECF No. 108). The Motion is ripe for disposition, and no hearing is necessary. See Rs. Govern. § 2255 Cases U.S. Dist. Ct. 8(a); Local Rule 105.6 (D.Md. 2025). For the reasons that follow, the Court will deny the Motion.[1]

I. BACKGROUND

On September 26, 2011, Scott pled guilty to one count of Hobbs Act robbery in violation of 18 U.S.C. § 1951(a) (Count Four) and one count of brandishing a firearm during a "crime of violence," (the Count Four Hobbs Act robbery) in violation of 18 U.S.C.

[1] Also pending are Scott's Motion to Supplement, (ECF No. 149), and Motion to Amend, (ECF No. 155). For the reasons discussed below, the Court will grant the Motion to Amend and deny the Motion to Supplement as moot.

§ 924(c) (Count Five). (Arraignment at 1, ECF No. 50).[2] In the plea agreement, Scott and the Government agreed to the following facts:

> The Defendant, Kevin Scott, admits that he committed the following armed robberies:
>
> On May 11, 2007, the armed robbery with a shotgun of a 7-Eleven convenience store in Anne Arundel County, Maryland. The defendant used a shotgun to take money from the store and to force the victim, a cashier, to cooperate with him.
>
> On July 24, 2008, the armed robbery of a Wendy's restaurant in Baltimore County, Maryland. The defendant used a shotgun and forced an employee at gunpoint to open the safe to the restaurant and to give him money. The defendant was wearing a ski mask. The defendant then left the store and left the ski mask on the ground near the location. The ski mask was recovered and was found to have the defendant's DNA.
>
> The 7-Eleven and the Wendy's were both businesses that engaged in an[d] affected interstate commerce because they sold products shipped in from out of state and paid a portion of their revenues to out of state companies. The robberies in this case affected and obstructed that interstate commerce activity.
>
> On August 24, 2008, the armed robbery of a guest at a Ramada Inn in Baltimore County, Maryland. The defendant and an accomplice entered the victim's room, pointed a shotgun at him, and searched the room for money.
>
> On September 19–20, 2008, during the late night and early morning, the armed home invasion of a private residence in Baltimore County, Maryland. The defendant and accomplices entered the home believing that one of the people who lived at the house was a drug-dealer. Accomplices tied up members of the family with duct tape, put pillowcases over their head[s], and searched the house for money.
>
> The government's evidence as to each of these crimes includes DNA taken from the defendant and matched to DNA on the ski

[2] Citations to page numbers refer to the pagination assigned by the court's Case Management/Electronic Case Files ("CM/ECF") system.

> mask; testimony from cooperating witnesses; shotgun shells found in the defendant's home and matching shotgun shells found at one of the crime scenes; surveillance video, and other evidence.

(Plea Agreement at 10, ECF No. 52).

On April 20, 2012, this Court sentenced Scott to a term of 168 months' imprisonment as to Count Four and eighty-four months' imprisonment as to Count Five, for a total term of 252 months to run consecutively. (J. Kevin Alexander Scott at 2, ECF No. 68). Scott appealed his conviction directly on April 26, 2012, (ECF No. 70), and the United States Court of Appeals for the Fourth Circuit affirmed his conviction and sentence on December 4, 2012, (ECF No. 89).

Scott filed his first 28 U.S.C. § 2255 motion on October 25, 2013. (ECF No. 92). This Court denied that motion and denied a certificate of appealability on February 28, 2014. (ECF No. 99). Scott appealed that denial, (ECF No. 100), and the Fourth Circuit dismissed the appeal on July 29, 2014, because the Court did not issue a certificate of appealability. (Final J. at 3, ECF No. 103).

On June 7, 2016, after the United States Supreme Court found the "residual" clause of 18 U.S.C. § 924(c) void for vagueness in Johnson v. United States, 576 U.S. 591 (2015), the Office of the Federal Public Defender ("OFPD") moved to be appointed as counsel for Scott and 458 others, all of whom the OFPD argued were eligible for relief after Johnson. (Mot. Appointment Counsel at 1, ECF No. 106). This Court appointed the OFPD as Scott's counsel and found that Johnson may entitle Scott to relief under 28 U.S.C. § 2255. (Order Appointing Counsel at 1, ECF No. 106). Accordingly, the Fourth Circuit authorized Scott

to file another 28 U.S.C. § 2255 motion, stating that Scott had made a prima facie showing that a new rule of constitutional law in Johnson, held to apply retroactively in Welch v. United States, 578 U.S. 120 (2016), could entitle Scott to relief under 28 U.S.C. § 2255. (Order Granting Authorization File Second 28 U.S.C. § 2255 Mot. at 1, ECF No. 107).

Scott filed the pending Motion to Vacate on June 7, 2016. (ECF No. 108). On April 11, 2022, this Court denied the Motion. (ECF No. 141). Scott filed a Notice of Appeal on April 29, 2022. (ECF No. 142). On August 23, 2022, the Fourth Circuit remanded the case to this Court for further proceedings because this Court had not addressed "whether Scott's designation as a career offender under the Sentencing Guidelines remains valid following Johnson," an argument Scott had raised in his Motion to Vacate. (J. Dismissing Appeal Remanding Further Proceedings ["J. Remanding"] at 2, ECF No. 148-1 (citation omitted)).

On September 12, 2022, Scott filed a Motion to Supplement Memorandum of Law in Support of Motion to Vacate, Set Aside, or Correct Sentence Under 28 U.S.C. § 2255 ("Motion to Supplement"), challenging his career offender status based on Johnson. (ECF No. 149). That same day, however, Scott's counsel requested that the Court hold Scott's pending petition challenging his career offender status and his conviction under 18 U.S.C. § 924(c) in abeyance pending the Fourth Circuit's resolution of United States v. Pyos, No. 17-4269, 2022 WL 17592130 (4th Cir. Dec. 13, 2022). (ECF No. 151). On December 13, 2022, the Fourth Circuit issued an unpublished opinion in Pyos, holding in relevant part that:

> We . . . discern no error in the district court's decision to deny Pyos' Rule 29 motion as to his § 924(c) convictions premised on the substantive Hobbs Act robbery counts. This court has

> expressly held that 'Hobbs Act robbery constitutes a crime of violence under the force clause of Section 924(c)[,]' see United States v. Mathis, 934 F.3d 242, 266 (4th Cir. 2019), and, thus, Johnson does not invalidate Pyos' § 924(c) convictions premised on the substantive Hobbs Act robbery counts. We nonetheless agree with the parties that Pyos' conviction on Count 11, which was predicated on a count charging attempted Hobbs Act robbery, is no longer valid.

2022 WL 17592130, at *2–3.

On May 12, 2026, this Court ordered that counsel for both Parties submit a joint status report, addressing whether Pyos rendered Scott's arguments without merit, and if not, directing Scott's counsel to show cause as to why Pyos did not warrant dismissal. (Paperless Order, ECF No. 154). On May 29, 2026, Scott filed a Motion to Amend/Correct the Pending Motion to Vacate Pursuant to 28 USC § 2255 ("Motion to Amend"), (ECF No. 155), and an Amendment to the Pending Motion to Vacate Conviction under 28 USC § 2255, (ECF No. 155-1). The Government filed an Opposition on July 9, 2026, (ECF No. 158), and Scott filed a Reply on July 16, 2026, (ECF No. 159).[3]

[3] The Government does not argue that the Court should deny leave to amend. (See generally Gov't's Mem. L. Opp'n Mot. Amend/Correct Pet'r's Pending Mot. Vacate Pursuant to 28 USC § 2255, ECF No. 158). Instead, the Government opposes the substantive arguments in Scott's motion regarding whether Hobbs Act robbery constitutes a crime of violence under 18 U.S.C. § 924(c). (See generally id.). Therefore, this memo will treat the Motion to Amend as conceded, grant the Motion, and consider the substance of the Amendment to Motion to Vacate. (ECF No. 155-1). The Amendment abandons the arguments in the Motion to Supplement. (See Amendment Mot. Vacate Conviction Under 28 U.S.C § 2255 at 1–2 n.1, ECF No. 155-1; see generally Mot. Suppl., ECF No. 149). The Court, therefore, will deny the Motion to Supplement as moot.

II. DISCUSSION

Although the Fourth Circuit originally remanded Scott's second 28 U.S.C. § 2255 motion for consideration of Scott's career offender status in light of Johnson, (J. Remanding at 2), Scott recognizes that the career offender status claim is no longer valid because the Fourth Circuit has since rejected all the arguments that Scott originally raised in the Motion to Vacate, (Amendment Mot. Vacate Conviction Under 28 U.S.C § 2255 ["Amendment"] at 2 n.1, ECF No. 155-1; see generally Second Mot. Vacate Conviction Under 28 U.S.C § 2255 ["Mot. Vacate"], ECF No. 108 (arguing that Hobbs Act robbery is not a crime of violence because it can be accomplished by putting a person in fear of injury to intangible property or physical injury rather than force, and because threat need not be intentional)); see United States v. Green, 67 F.4th 657, 668–69 (4th Cir. 2023) (rejecting argument that Hobbs Act robbery does not qualify as a "crime of violence" because it can be committed by threatening economic harm); United States v. Melaku, 41 F.4th 386, 394 (4th Cir. 2022) (explaining that Hobbs Act robbery requires the use of violent physical force against a person or property); United States v. Ivey, 60 F.4th 99, 116 (4th Cir. 2023) (rejecting argument that Hobbs Act robbery is not a "crime of violence" because it does not require the threat to be intentional). In the Amendment, Scott abandons the rejected arguments. (See generally Mot. Amend 28 U.S.C § 2255 Mot. ["Mot. Amend"], ECF No. 155; Amendment).

Scott now argues that Hobbs Act robbery does not qualify as a "crime of violence" under 18 U.S.C. § 924(c), and that his convictions under § 924(c) are thus invalid, because a defendant can commit Hobbs Act robbery by threatening self-harm, "which fails to

constitute the threat of force against the 'property or person of another' required under . . . § 924(c)(3)(A)." (Mot. Amend at 1–2). Scott notes that while a "crime of violence" under § 924(c) entails "the use, attempted use, or threatened use of force against the person or property of another," 18 U.S.C. § 924(c)(3)(A) (emphasis added), Hobbs Act robbery entails actual or threatened force to the victim's person, property, "a relative or member of his family, or of anyone in his company at the time of the taking," id. § 1951(b)(1) (emphasis added). Scott reasons that a defendant could, therefore, hold a gun to his own head while taking property from a family member or stranger, and that this threatened self-harm would satisfy the Hobbs Act requirement of threatening force to a relative or someone in the victim's company without satisfying the 18 U.S.C. § 924(c)(3)(A) requirement of threatening force against another. (Amendment at 3–5).

Scott argues on this basis that Hobbs Act robbery is not a § 924(c) crime of violence under the categorical approach because under that approach, a given crime is only a crime of violence if the crime "always requires the [prosecution] to prove—beyond a reasonable doubt, [and] as an element of its case—the use, attempted use, or threatened use of force against the person of another. (Id. at 6 (quoting United States v. Scott, 176 F.4th 806, 813 (4th Cir. 2026))). Scott maintains that the possibility of Hobbs Act robbery through threatened self-harm means that threatened force against another is not a necessary element of Hobbs Act robbery, meaning that his conviction under § 924(c) is invalid. (See generally id.).

A. Standard of Review

Under 28 U.S.C. § 2255(a), a prisoner in federal custody may "move the court which imposed the sentence to vacate, set aside[,] or correct the sentence" if the petitioner can show "that the sentence was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack." If the § 2255 motion, in addition to the files and records, conclusively shows that the prisoner is not entitled to relief, then no hearing is required, and the Court may summarily deny the motion. See 28 U.S.C. § 2255(b).

B. Analysis

The Court will deny Scott's amended Motion to Vacate under 28 U.S.C. § 2255 because the Fourth Circuit has repeatedly confirmed that Hobbs Act robbery is a crime of violence under 18 U.S.C. § 924(c). See United States v. Mathis, 932 F.3d 242, 266 (4th Cir. 2019); Green, 67 F.4th at 669–70.

In Mathis, the Fourth Circuit "conclude[d] that Hobbs Act robbery constitutes a crime of violence under the force clause of Section 924(c)." 932 F.3d at 266. In Green, the Fourth Circuit reaffirmed that Hobbs Act robbery continues to be a § 924(c) crime of violence after the United States Supreme Court, in United States v. Taylor, 596 U.S. 845, 846 (2022), decided that attempted Hobbs Act robbery was not. 67 F.4th at 669–70. Accordingly, in recent cases applying § 924(c) to Hobbs Act robbery, this Court has followed Mathis and Green. See Conner v. United States, No. ELH-22-305, 2015 WL 3687265, at *2 (D.Md. Dec. 19, 2025) ("In [Mathis], the Fourth Circuit determined that

Hobbs Act robbery satisfies the force clause [of § 924(c)] . . . Therefore, for § 924(c) purposes, Hobbs Act robbery qualifies as a 'crime of violence.'"); United States v. Bonds, No. RDB-14-23, 2025 WL 2457479, at *4 (D.Md. Aug. 26, 2025) ("[S]ubstantive Hobbs Act robbery continues to qualify as a valid § 924(c) predicate.").

Moreover, when the United States Court of Appeals for the Second Circuit first heard the argument that Hobbs Act robbery is not a § 924(c) crime of violence because a person may commit it by threatening self-harm, that court rejected the argument and instead followed precedent that Hobbs Act robbery is, indeed, a § 924(c) crime of violence. See United States v. Elias, No. 25-4048, 2025 WL 2857883, at *1 (2d Cir. Oct. 8, 2025) (declining to revisit precedent constituting "settled understanding" that Hobbs Act robbery is a crime of violence in the face of novel self-harm argument).

Scott's argument relies largely on authority that does not bind this Court. (See Amendment at 3–5, 6–7; Pet'r's Reply Gov't's Opp'n Mot. Vacate Conviction Under 28 U.S.C. § 2255 at 2–3, ECF No. 159). Scott bases his reasoning primarily on United States v. Mangione, 818 F.Supp.3d 509 (S.D.N.Y. 2026), in which the United States District Court for the Southern District of New York held that federal stalking and cyberstalking fail to qualify as crimes of violence under § 924(c) because one could satisfy those statutes' requirement of putting the victim in reasonable fear of bodily injury or death of a family member by threatening self-harm. (Amendment at 4 (citing Mangione, 818 F.Supp.3d at 536)). In Mangione, the court noted that a family member could threaten to shoot himself if another family member would not meet with him, meaning that cyberstalking was not a crime of violence under § 924(c) because "a threat to inflict self-harm . . . cannot satisfy

the requirement for use of force 'against the property of another.'" Mangione, 818 F.Supp.3d at 536 (quoting 18 U.S.C. § 924(c)(3)(A)). The holding in Mangione, however, does not bind this Court; the Fourth Circuit's holdings in Mathis, 932 F.3d at 242, and Green, 67 F.4th at 657, do.

Scott also cites United States v. Scott, 176 F.4th 806 (4th Cir. 2026), as a case compelling this Court to vacate his conviction, (Amendment at 5–6), but that case is readily distinguishable. In Scott, the Fourth Circuit held that robbery under Virginia law does not constitute a crime of violence under the United States Sentencing Guidelines. Scott, 176 F.4th at 814. That decision, however, involved Virginia state law, not the Hobbs Act, and its reasoning focused specifically on the peculiarities of Virginia's robbery law. Id. Specifically, the Fourth Circuit's finding that Virginia robbery was not a § 924(c) crime of violence relied on United States v. Parham, 129 F.4th 280 (4th Cir. 2025), in which the court had found that Virginia robbery was not a crime of violence under the United States Sentencing Guidelines after the Supreme Court of Virginia clarified that a person could commit robbery in Virginia "by threatening to publicly accuse the victim of having committed sodomy." Scott, 176 F.4th at 811 (quoting Parham, 129 F.4th at 286). Scott is therefore distinguishable from the instant case because its finding that Virginia robbery is not a § 924(c) crime of violence relies on features unique to Virginia law that are not present in the Hobbs Act. See 18 U.S.C. § 1951(b)(1). In contrast to Scott, the Fourth Circuit's holdings in Mathis and Green answer the precise statutory question at issue here. See Mathis, 932 F.3d at 266 ("Hobbs Act robbery constitutes a crime of violence under the

force clause of Section 924(c)."); Green, 67 F.4th at 669–70 (reaffirming the holding in Mathis).

Whether the "categorical approach" to deciding "whether a defendant's prior conviction qualifies as a crime of violence," United States v. Covington, 880 F.3d 129, 132 (4th Cir. 2018), mandates acceptance of Scott's self-harm argument is not for this Court to decide. Scott argues that this Court is free to adopt the self-harm argument because the Fourth Circuit has not yet considered it. (Amendment at 2 (citing United States v. Norman, 935 F.3d 232, 239–41 (4th Cir. 2019) (holding that a previous Fourth Circuit decision was not controlling on the Fourth Circuit panel considering Norman because the previous decision had not addressed the argument at issue))). But whether to reconsider Fourth Circuit precedent in the face of new arguments is a decision for the Fourth Circuit, not this Court. See, e.g., Jones v. Murray, 802 F.Supp. 1412, 1415 n.3 (E.D.Va. 1992) ("[A district] [c]ourt has no authority to overrule a decision of the Fourth Circuit." (citing Stamper v. Baskerville, 724 F.2d 1106, 1107 (4th Cir.1984))), aff'd, 976 F.2d 169 (4th Cir. 1992); United States v. J.J.P., No. JKB-19-132, 2020 WL 1955571, at *4 (D.Md. Apr. 23, 2020) (noting that it "is not the role of [a district court]" to "upend[] . . . Fourth Circuit precedent," even if a litigant presents a compelling argument); Joyner v. Forsyth Cnty., No. 1:07CV243, 2010 WL 11668205, at *2 n.2 (M.D.N.C. Jan. 28, 2010) ("[A district] [c]ourt must follow the precedent established by the Court of Appeals for the Fourth Circuit . . . . To the extent that Defendant contends that the Fourth Circuit's decisions should be revised or reinterpreted, those matters are reserved to the Fourth Circuit itself.").

As such, this Court will follow the Fourth Circuit's holdings in Mathis, 932 F.3d at 242, and Green, 67 F.4th at 657, to find that Scott's conviction under 18 U.S.C. § 924(c) is valid and deny Scott's Amended 28 U.S.C. § 2255 Motion to Vacate.

III. CERTIFICATE OF APPEALABILITY

Under Rule (a) of the Rules Governing Proceedings under 28 U.S.C. § 2255, the Court is required to issue or deny a certificate of appealability when it enters a final order adverse to an applicant. A certificate of appealability is a jurisdictional prerequisite to appeal from the Court's Order. United States v. Hadden, 475 F.3d 652, 659 (4th Cir. 2007). The certificate of appealability requirement "screen[s] out prisoner petitions that ought to not take up additional judicial resources beyond those already consumed." Hayward v. Marshall, 603 F.3d 546, 553 (9th Cir.2010) (citing Barefoot v. Estelle, 463 U.S. 880, 892–93 (1983)).

This Court has previously issued a certificate of appealability when a petition "present[ed] a question of law that the Fourth Circuit has not decided[, r]easonable jurists could disagree about whether [petitioner's] sentence should be corrected, and the issue is worthy of further examination." Castellon-Gutierrez v. United States, 754 F.Supp.2d 774, 781 (D.Md. 2010) (first citing Tennard v. Dretke, 542 U.S. 274, 282 (2004) (stating that petitioner "must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong"); then citing Slack v. McDaniel, 529 U.S. 473, 484 (2000) (same); and then citing Miller–El v. Cockrell, 537 U.S. 322, 335–36 (2003) (finding certificate of appealability allowable when "the issues presented were adequate to deserve encouragement to proceed further")).

The Fourth Circuit has not yet considered Scott's argument that Hobbs Act robbery is not a § 924(c) crime of violence because a defendant could commit it by threatening self-harm. Reasonable jurists could disagree on this argument because the Southern District of New York has accepted it for stalking and cyberstalking, Mangione, 818 F.Supp.3d at 536, but the Second Circuit has rejected it for Hobbs Act robbery, Elias, 2025 WL 2857883, at *1. This split indicates that the argument is worthy of further consideration. A certificate of appealability, therefore, will issue.

III. CONCLUSION

For the foregoing reasons, it is this 3rd day of November, 2026, by the United States District Court for the District of Maryland, hereby:

ORDERED that the Motion to Amend (ECF No. 155) is GRANTED insofar as the Court will consider the Amendment to Scott's Motion to Vacate (ECF No. 155-1);

IT IS FURTHER ORDERED that Motion to Vacate (ECF No. 108) as amended (ECF No. 155-1) is DENIED;

IT IS FURTHER ORDERED that the Motion to Supplement (ECF No. 149) is DENIED as MOOT; and

IT IS FURTHER ORDERED that a certificate of appealability shall ISSUE.

/s/
George L. Russell, III
Chief United States District Judge