

No.

IN THE SUPREME COURT OF THE UNITED STATES

KISHAN VINAYAK PATEL,

PETITIONER,

VS.

UNITED STATES OF AMERICA,

RESPONDENT.

**PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT**

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QUESTIONS PRESENTED FOR REVIEW

Whether the government may use 18 U.S.C. §1956(a)(1), the domestic money laundering statute, to prosecute an individual for conduct that constitutes the ordinary commission of the underlying criminal activity, rather than a distinct transaction involving a subsequent disposition of proceeds of that activity?

Whether 18 U.S.C. §3663A, the Mandatory Victim Restitution Act, permits a district court to order a defendant to make restitution for losses attributable to criminal conduct of others that occurred before he joined a conspiracy, or after his participation in the conspiracy ended?

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:

United States of America

Kishan Vinayak Patel

RELATED CASES

There are no cases related to the case that is the subject of this petition.

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Petitioner Kishan Vinayak Patel (“Petitioner” or “Patel”) respectfully requests that a writ of certiorari will issue to review the order and judgment of the United States Court of Appeals for the Sixth Circuit entered in Case No. 25-3746 on June 24, 2026.

OPINIONS BELOW

The unpublished order of the United States Court of Appeals for the Sixth Circuit is reproduced in the Appendix at App. 1a. It was entered on June 24, 2026 in Case No. 25-3746. The order affirmed the judgment of the United States District Court for the Northern District of Ohio.

The district court's unpublished memorandum opinion and order denying Petitioner's post-trial motion for judgment of acquittal or a new trial is reproduced at App. 12a. The district court's unpublished judgment is reproduced at App. 31a.

JURISDICTION

Petitioner seeks review of the order and judgment of the United States Court of Appeals for the Sixth Circuit entered on June 24, 2026. This Court has jurisdiction under 28 U.S.C. §1254(1), which permits a party to petition the Supreme Court of the United States to review any civil or criminal case before or after rendition of judgment or decree.

STATUTES INVOLVED

18 U.S.C. §1956:

(a)(1) Whoever, knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, conducts or attempts to conduct such a financial transaction which in fact involves the proceeds of specified unlawful activity—

(A) (i) with the intent to promote the carrying on of specified unlawful activity . . . ; or . . .

(B) knowing that the transaction is designed in whole or in part—

(i) to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; . . . shall be sentenced [.]

. . .

(c) As used in this section—

. . .

(3) the term “transaction” includes a purchase, sale, loan, pledge, gift, transfer, delivery, or other disposition . . . ;

(4) the term “financial transaction” means (A) a transaction which in any way or degree affects interstate or foreign commerce (i) involving the movement of funds by wire or other means or (ii) involving one or more monetary instruments, . . .

. . .

(h) Any person who conspires to commit any offense defined in this section or section 1957 shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.

18 U.S.C. §3663A:

(a) (1) Notwithstanding any other provision of law, when sentencing a defendant convicted of an offense described in subsection (c), the court shall order, in addition to . . . any other penalty authorized by law, that the defendant make restitution to the victim of the offense . . .

(2) For the purposes of this section, the term “victim” means a person directly and proximately harmed as a result of the commission of an offense for which restitution may be ordered including, in the case of an offense that involves as an element a scheme, conspiracy, or pattern of criminal activity, any person directly harmed by the defendant’s criminal conduct in the course of the scheme, conspiracy, or pattern. . . .

STATEMENT OF THE CASE

Patel, a citizen of India and permanent resident of Canada, agreed to accept spot assignments as a “runner” from “Owen,” a person he never met. His function as a “runner” was to receive cash from individuals residing in Ohio or Indiana, and transport the money by motor vehicle to someone named “David” in Illinois.

On November 3, 2023, Patel commenced his first pickup in a sporting goods store parking lot in Indiana. A woman unknown to Patel placed a box containing \$67,000 in cash

in the back seat of his vehicle. Patel transported the money to the Chicago area and handed it over to “David.” “Owen” authorized Patel kept \$1,300 as his compensation for the trip.

Unbeknownst to Patel, this money represented proceeds generated by a wire fraud scheme based in India. The scheme targeted individuals in the United States who were tricked into believing their financial accounts had been compromised. The victims were persuaded to surrender their savings to the operators of the scheme for supposed safekeeping.

Unlike typical schemes of this kind, the transfer of money occurred in person. The victims personally dropped off cash (sometimes gold bars) in the rear compartment of a vehicle driven by a “runner.”

Patel’s involvement in this scheme was short-lived. “Owen” scheduled him to make a second cash pick up at a gas station in Ohio on November 9, 2023. On this occasion, the FBI was waiting for him.

The special agents had already made arrangements with the victim to make a controlled delivery of cash. The victim placed a bag containing \$40,000 in cash in the back seat of Patel’s vehicle at the designated location. Patel followed “Owen’s” instructions to take a detour off the highway, count the money, and send him a video recording of the tabulation.

“Owen” next directed Patel to transport the funds to “David” in the Chicago area. FBI agents monitored Patel’s path of travel. After he crossed Ohio into Indiana, they arranged

for a state trooper to make a traffic stop. Following the stop, they found and seized the bag of cash from the back seat of Patel's vehicle.

Patel was placed under arrest and interviewed. He denied any knowledge of the fraud scheme. He said he initially suspected the money might be proceeds of drug trafficking activity. However his concerns were allayed when he observed that the money was neatly bundled as if it came from a bank.

A federal grand jury subsequently indicted Patel and seven other individuals for conspiracy to commit money laundering. The indictment also charged Patel individually with a substantive counts of attempted concealment money laundering and attempted promotion money laundering pertaining to the aborted November 9, 2023 trip. The United States District Court for the Northern District of Ohio exercised jurisdiction over the criminal proceedings pursuant to 18 U.S.C. §3231.

A trial jury found Patel guilty of all three counts. The district court denied a post-trial motion for acquittal or a new trial. (App. 12a)

Patel was sentenced to a 46-month prison term and a three-year term of supervised release. Although his participation in the scheme was limited to a seven-day time period (November 3 to 9, 2023), the court imposed a restitution order for the total amount of losses attributable to the wire fraud scheme – \$3,940,438.00 – over a six month period (May to November 2023). (App. 31a)

Patel challenged the sufficiency of the evidence and the amount of restitution in his direct appeal to the Sixth Circuit Court of Appeals. In an unsigned order and judgment, a

three-judge panel affirmed the district court's judgment of conviction and order of restitution. (App. 1a)

REASONS WHY THE WRIT OF CERTIORARI SHOULD ISSUE

I. THE SIXTH CIRCUIT'S SUFFICIENCY OF THE EVIDENCE ANALYSIS WARRANTS REVIEW BECAUSE IT BLURS THE LINE BETWEEN A TRUE MONEY LAUNDERING TRANSACTION AND MERE TRANSPORTING OF PROCEEDS TO COMPLETE AN UNDERLYING CRIME.

The government alleged that Patel's two trips as a runner involved proceeds of a wire fraud scheme. But instead of indicting him for conspiracy to commit, or aiding and abetting others in committing, wire fraud, it charged him with money laundering crimes.

The government's reason for this peculiar charging decision is apparent from the record. The offense of wire fraud requires proof of intent to deprive the victim of a property interest. *Kousisis v. United States*, 605 U.S. 114, 134 (2025). By design, Patel's handler, "Owen," kept him in the dark about the origin of the money that he would be transporting. The prosecutors knew they could not prove that Patel was a knowing participant in the wire fraud scheme that generated the funds.

Thus, the question squarely presented by the record is whether the government may use 18 U.S.C. §1956(a)(1), the domestic money laundering statute, to prosecute an individual for conduct that constitutes the ordinary commission of the underlying criminal activity, rather than a distinct transaction involving a subsequent disposition of the proceeds? The circuits, and even different panels within a circuit, have split on this issue.

A majority of circuits have reasoned that Congress enacted the money laundering statute to punish "conduct that follows in time the underlying crime rather than to afford

an alternative means of punishing the prior ‘specified unlawful activity.’” *United States v. Heaps*, 39 F.3d 479, 486 (4th Cir. 1994), quoting *United States v. Edgmon*, 952 F.2d 1206, 1213-14 (10th Cir.1991).¹ Under this view, the statute may not be used as an alternative means to prosecute an individual for conduct that is intrinsic to the commission of the underlying or predicate offense that generates the criminal proceeds.

Several Justices of this Court have expressed a complementary understanding of the legislative intent underlying the money laundering statute. In a plurality opinion in *United States v. Santos*, Justice Scalia criticized the government for failing to offer an explanation “for why Congress would have wanted a transaction that is a normal part of a crime it had duly considered and appropriately punished elsewhere in the Criminal Code,” to be separately punishable under the money laundering statute. *Id.* 553 U.S. 507, 517 (2008). Justice Stevens’ concurring opinion notes that “[t]his conclusion dovetails with what common sense and the rule of lenity would require.” *Id.* at 528.

¹See also *United States v. Jones*, 183 F.4th 307 (4th Cir. 2026) (“When proving a conspiracy to engage in promotional money laundering, the Government must prove more than an agreement to partake in unlawful business operations.”); *United States v. Puig-Infante*, 19 F.3d 929, 938 (5th Cir. 1994) (“mere transportation of the proceeds of unlawful activity is not a transaction within the statute”); *United States v. McGahee*, 257 F.3d 520, 528 (6th Cir. 2001) (an act which is “part and parcel of the fraud” rather than “a separate act completed after the crime” will not support a conviction for money laundering); *United States v. Mankarious*, 151 F.3d 694, 706 (7th Cir. 1998) (“a money laundering transaction . . . must be separate from any transaction necessary for the predicate offense to generate proceeds”); *United States v. Castro-Aguirre*, 983 F.3d 927, 941 (7th Cir. 2020)(“The evidence against a defendant will not support a conviction for conspiracy to commit money laundering when it demonstrates involvement only in a conspiracy that generated proceeds but does not demonstrate involvement in any subsequent conspiracy to launder those proceeds.”); *United States v. Hall*, 613 F.3d 249, 254 (DC. Cir. 2010) (“The offense of money laundering must be separate and distinct from the underlying offense that generated the money to be laundered.”)

But there are outlier circuit rulings. A drug trafficking operation under review in *United States v. McGuire*, for example, involved purchasing of marijuana in states where it is legal and distributing the product in states where it is still illegal. *Id.* 163 F.4th 882, 891 (5th Cir. 2025). The operators employed drivers to deliver the marijuana to, and collect cash payments from, the buyers.

In perfunctory fashion, a Fifth Circuit panel upheld the drivers’ convictions for conspiracy to commit money laundering. It reasoned that an “agreement to transport drug proceeds” was sufficient to prove the crime even though the transportation of the money from buyer to seller was inherent in completing the underlying trafficking offense. *Id.* at 917.

The Sixth Circuit panel’s treatment of Patel’s insufficiency claim was similarly devoid of considered reasoning. As to the essential element of a “financial transaction,” it stated that “[a] rational juror could examine that sequence of events and find that Patel conducted or attempted to conduct a financial transaction.” (Apx. 4a)

As to specific intent required for concealment money laundering, the panel stated that Patel’s attempt to “avoid surveillance” during his road trip was sufficient to prove an intent to conceal. (Apx. 5a) In reaching this conclusion, it failed to acknowledge, much less distinguish, this Court’s ruling in *Cuellar v. United States*, which expressly held that a courier’s “extensive efforts to prevent detection of the funds during transportation” does not constitute concealment under the statute. *Id.* 553 U.S. 550, 556 (2008).

As to specific intent required for promotion money laundering, the panel stated that Patel's adherence to the directions of his handler ("Owen") was sufficient evidence for a "rational juror" to "find beyond a reasonable doubt that Patel knowingly intended to promote a money-laundering conspiracy." (App. 6a) Subsection (a)(1)(i) of §1956 requires an "intent to promote the carrying on of *specified unlawful activity*" that generated the funds. (Emphasis supplied) In this case, the underlying activity was *wire fraud*. A finding that Patel intended to promote a *money laundering conspiracy* clearly does not satisfy the promotion element of the statute.

The first question presented by Patel's petition is important because §1956 is a broad federal money-laundering statute carrying substantial criminal penalties. Without a requirement of proof of a transaction separate and apart from the underlying offense, virtually every courier who transports criminal proceeds could be exposed to liability for money laundering.

Congress, however, did not enact a general prohibition against transporting criminal proceeds within the boundaries of the United States. It enacted a statute requiring the Government to establish particular elements, including a financial transaction and a specific intent to conceal the origin of proceeds, or to promote underlying specified criminal activity. The government plainly failed to prove any of these essential elements beyond a reasonable doubt in the prosecution of Petitioner.

**II. THE SIXTH CIRCUIT'S RESTITUTION RULING WARRANTS REVIEW
BECAUSE IT RESTS UPON AN ERRONEOUS ASSUMPTION THAT A
CONSPIRATOR'S LIABILITY FOR RESTITUTION UNDER THE**

MANDATORY VICTIM RESTITUTION ACT MAY EXCEED THE LIMITS OF HIS CRIMINAL LIABILITY FOR THE CRIMINAL ACTS OF COCONSPIRATORS UNDER THE PINKERTON DOCTRINE.

The Mandatory Victim Restitution Act (“MVRA”) requires sentencing courts to order defendants convicted of certain crimes, including money laundering, to “make restitution to the victim of the offense,” which includes “in the case of an offense that involves as an element a scheme, conspiracy, or pattern of criminal activity, any person directly harmed by the defendant’s criminal conduct in the course of the scheme, conspiracy, or pattern.” 18 U.S.C. § 3663A(a)(1)-(2).

The Sixth Circuit panel stated in its order that “[i]t was within the district court’s discretion to find Patel jointly and severally responsible for restitution to all victims for losses caused by his co-defendants.” (App. 11a) The ordered amount - \$3,940,438.00 - includes losses caused by third parties for conduct outside of the seven-day time frame of Patel’s participation as a “runner.”

The second question squarely presented by Patel’s petition is whether the MVRA permits a district court to order a defendant to make restitution for losses attributable to criminal conduct of others that occurred before he joined a conspiracy, or after his participation in the conspiracy ended?

The prevailing view in the circuits is that “co-conspirators are held jointly and severally liable for all foreseeable losses within the scope of their conspiracy regardless of whether a specific loss is attributable to a particular conspirator.” *United States v. Hall*, 134 F.4th 782, 792, n.3 (5th Cir.), *cert. denied.*, 146 S. Ct. 212 (2025). This view is coextensive

with the *Pinkerton* doctrine for imposing criminal liability on one conspirator for the reasonably foreseeable crimes of his coconspirators in furtherance of the conspiracy. See *United States v. Boyd*, 222 F.3d 47, 51 (2nd Cir. 2000), citing *Pinkerton v. United States*, 328 U.S. 640, 648 (1946).

Pinkerton liability is not boundless. In a unanimous per curiam opinion, this Court accepted the government's concession that "an individual cannot be held criminally liable for substantive offenses committed by members of the conspiracy before that individual had joined or after he had withdrawn from the conspiracy." *Levine v. United States*, 383 U.S. 265, 266 (1966).

Levine recognizes that foreseeability is "forward looking." *United States v. O'Campo*, 973 F.2d 1015, 1024 (1st Cir. 1992). The concept "must be turned around 180 degrees [to] be applied to the conduct of co-conspirators occurring before the entry of a particular defendant into the conspiracy." *Id. quoting United States v. Edwards*, 945 F.2d 1387, 1393 (7th Cir. 1991).

The Sixth Circuit's decision to affirm the district court's restitution order relies upside down logic. Earlier in its order, the panel upheld the district court's Sentencing Guideline determination that "Patel was accountable for \$158,460 in losses under a *Pinkerton* theory of liability because that figure accounts for 'amounts that were reasonably foreseeable' to Patel" for the brief period of his participation as a "runner." (App. 7a)

Yet, later in the same order, it inexplicably holds him liable for a seven-figure restitution award that exceeds the reasonably foreseeable loss finding by almost twenty-

five times ($\$3,940,438 \div \$158,460$)! The appellate panel offers no explanation or justification for this incongruity. (App. 11a)

The second question presented by Patel's petition is important because a restitution order extends past a defendant's completion of his prison sentence and supervised release term. A restitution order under the MVRA is not dischargeable in bankruptcy. It clings to a defendant for life. It is a question deserving of review by this Court.

CONCLUSION

This petition presents two important questions concerning the proper interpretation of the federal money-laundering statute and the mandatory restitution statute. The underlying facts are undisputed. Thus, the questions can be answered by this Court purely as a matter of law.

For the foregoing reasons, Petitioner asks the Court to grant his petition for a writ of certiorari, and order full briefing and oral argument on the merits. Alternatively, he requests the Court to consider a "GVR" disposition, *i.e.* granting the petition, vacating the order of the appellate panel, and remanding the case for reconsideration of the obvious errors in the panel's legal analysis. *See Lawrence v. Chater*, 516 U.S. 163 (1996).

Respectfully submitted,

s/Dennis C. Belli
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