No. 26-____

In the
Supreme Court of the United States

Anderson Garcia,

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

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Whether the Court should grant, vacate and remand here given *Hunter v. United States*, 608 U.S. 713 (2026).

PARTIES

The Petitioner is Anderson Garcia.

The Respondent is the United States of America.

PROCEEDINGS

United States v. Garcia, 2d Cir. 22-2561, Order entered Sept. 23, 2026.

United States v. Garcia, S.D.N.Y. 21-cr-402, Judgment entered Sept. 21, 2022.

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ORDER BELOW

The order of the United States Court of Appeals for the Second Circuit is unreported and appears at Petitioner's Appendix ("Pet. App.") 1a.

JURISDICTION

The District Court had jurisdiction pursuant to 18 U.S.C. § 3231; the Circuit did pursuant to 28 U.S.C. § 1291 (its order was entered on September 23, 2026); and this Court does pursuant to § 1254(1) and § 2106.

RELEVANT PROVISION

18 U.S.C. § 3582(a) provides: "imprisonment is not an appropriate means of promoting correction and rehabilitation."

INTRODUCTION

"[U]nless we wish anarchy to prevail within the federal judicial system, [the] precedent[s] of this Court must be followed by the lower federal courts." *Hutto v. Davis*, 454 U.S. 370, 375 (1982).

As this Court has told district judges, § 3582(a) is clear: "Do not think about prison as a way to rehabilitate." *Tapia v. United States*, 564 U.S. 319, 330 (2011). But "I'm a licensed social worker," the judge here said, and "incapacity is sometimes the only thing that enables a person to accept treatment." Pet. App. 48a. He imposed a 145-month prison term to "help Mr. Garcia overcome" his "disorders," *id*. at 35a, calling this "appropriate" given his need for "rehabilitation." *Id*. at 59a-60a.

Petitioner's appeal of this sentence was dismissed per an appeal waiver in his plea agreement. Yet this Court then held "an agreement not to appeal a sentence is unenforceable when it would result in a miscarriage of justice— meaning, when it

would leave in place the kind of egregious error that would bring the judicial system into disrepute." *Hunter*, 608 U.S. at 717. One such error is a "sentence exceeding what the relevant statute allows— most commonly, a term of years above the maximum prescribed." *Id.* at 728. But that isn't the only example: "See, *e.g.*, *Kim*," *id.,* a case of a restitution order held unlawful given a lack of proximate causation. A "'court must not impose a sentence' that is 'unauthorized by law.'" *Id.* at 726 (quoting *United States v. Kim*, 988 F.3d 803, 810 n.1 (5th Cir. 2021)).

The week after this Court decided *Hunter*, Petitioner moved the Circuit to recall its mandate so his appeal can be heard. He detailed why allowing his unlawful prison sentence to stand would, no less than overlooking an unlawful restitution order, "'undermine public confidence in the judiciary.'" 2d Cir. 22-2561, Docket Entry 105 at 8 of 27 (quoting *Hunter*, 608 U.S. at 727).

The government didn't deny that Petitioner's sentence exceeds what § 3582(a) allows or that, if *Hunter* applies, the mandate should be recalled. *Id.*, Docket Entry 107. Instead, it asserted "nothing in *Hunter* remotely supports Garcia's argument that this Court's prior decision dismissing his appeal was in error." *Id.* at 11.

"The government doth protest too much," Petitioner replied. *Id.*, Docket Entry 108 at 2. "*Hunter* is very clear that, although a 'term of years above the maximum' is the 'most common[]' example of a 'sentence exceeding what the relevant statute allows,' it isn't the only one: 'See, *e.g., Kim*.'" *Id.* at 3 (citation omitted). "The relevant statute here, § 3582(a), sets no maximum. Neither does the statute in *Kim*, which requires restitution – whatever the amount – for losses the

defendant 'proximately' caused. But absent such causation, restitution is 'unauthorized' and 'exceed[s] what the relevant statute allows.' In just the same way, a prison sentence – of any length – meant to 'promot[e] correction and rehabilitation' exceeds what § 3582(a) allows." *Id*. at 3-4 (citations omitted).

The Circuit refused to reinstate Petitioner's appeal. Its order says, in full: "Appellant moves to recall the mandate. IT IS HEREBY ORDERED that the motion is DENIED." Pet. App. 1a.

The unlawful "deprivation of liberty particularly undermines the fairness, integrity, or public reputation of judicial proceedings," *Rosales-Mireles v. United States*, 585 U.S. 129, 140 (2018), and courts "have an 'independent' 'institutional interest' in ensuring that legal proceedings 'appear fair to all who observe them.'" *Hunter*, 608 U.S. at 725 (citation omitted). Thus, despite a waiver, "a defendant may appeal a sentence exceeding what the relevant statute allows." *Id*. at 728.

The Circuit didn't dispute Petitioner's sentence exceeds what § 3582(a) allows; or that *Hunter* applies; or that Petitioner meets the criteria for recalling a mandate. It simply denied his motion— with no explanation whatsoever.

This is exactly the kind of thing that, if tolerated, "would bring the judiciary into disrepute." *Id*. After all, "'what reasonable citizen wouldn't bear a rightly diminished view of the judicial process and its integrity if courts refused to correct obvious errors'" that "'require individuals to linger longer in federal prison than the law'" permits? *Rosales-Mireles*, 585 U.S. at 141 (quoting *United States v. Sabillon-Umana*, 772 F.3d 1328, 1333 (10th Cir. 2014) (Gorsuch, J.)).

STATEMENT OF THE CASE

1. Petitioner Anderson Garcia pleaded guilty in 2022 to one count of conspiring to commit Hobbs Act robbery in violation of 18 U.S.C. § 1951. He pleaded pursuant to an agreement stating he wouldn't appeal a "sentence within or below the Stipulated Guidelines Range of 140 to 175 months." 2d Cir. 22-2561, Docket Entry 24 at 10 of 38.

Congress spoke plainly in 18 U.S.C. § 3582(a): "imprisonment is not an appropriate means of promoting correction and rehabilitation." Consequently, this Court has instructed federal judges in clear terms: "Do not think about prison as a way to rehabilitate an offender." *Tapia*, 564 U.S. at 330.

But "I'm a licensed social worker," the judge here said in sentencing Garcia to 145 months in prison, and "incapacity is sometimes the only thing that enables a person to accept treatment. You got nowhere else to go." Pet. App. 48a. Citing Garcia's "cooccurring disorders of mental health and drug abuse," the judge said "it's my obligation to try and fashion a sentence that would help Mr. Garcia overcome them." *Id*. at 35a.

Government counsel expressly agreed, flagging Garcia's "mental health" and "substance abuse challenges" and saying: "I think the Court absolutely should take each of those considerations into account." *Id*. at 40a. An "important component of Mr. Garcia's rehabilitation will be substance abuse treatment and also mental health treatment." *Id*. at 42a. "And unlike in an environment where it's up to Mr. Garcia whether or not he reports to treatment, whether or not he falls back to self-

medicating with street drugs, while in custody and while participating in an in-custody and necessarily inpatient program, those factors are controlled and those would seem to be a better set of circumstances for him ultimately overcoming the issues that he needs to overcome." *Id.* at 43a.

The judge concurred: "if you're incapacitated, there is are [*sic*] more of a likelihood that you can accept and take in the treatment." *Id.* at 48a. "So I think that the incapacity, so to speak, is vital, actually, . . . to accomplish what needs to be accomplished with someone who has such severe lifelong trauma." *Id.* at 50a. "I am very seriously considering the cooccurring disorders." *Id.* at 55a.

The judge imposed a prison term of "145 months." *Id.* at 56a. "I think this sentence is appropriate, given . . . the needs for punishment and deterrence but also rehabilitation." *Id.* at 59a-60a. "[M]ost importantly, I am going to recommend that he go to a facility where they can treat and do treat mental health disorders and drug disorders." *Id.* at 60a. "[P]aramount for me is he [be] at a place" that "treats mental disorder and drug treatment [*sic*] and drug disorders." *Id.* at 61a.

2. Petitioner appealed his sentence as plainly violating § 3582(a). The Circuit dismissed the appeal because of the waiver in his plea agreement. *See United States v. Garcia*, 2023 WL 7986442 (2d Cir. 2023).

3. In June of this year, this Court held in *Hunter* that, despite a waiver, a "defendant may appeal a sentence exceeding what the relevant statute allows." 608 U.S. at 728. The week after *Hunter* was decided, Garica moved the Circuit to recall its mandate and hear his appeal. He detailed why *Hunter* applies: his prison term,

explicitly designed to "help [him] overcome" his "disorders," Pet. App. 35a, exceeds what § 3582(a) allows. *See* 2d Cir. 22-2561, Docket Entry 105. The government filed a response and Garcia filed a reply. *See id.,* Docket Entries 107, 108.

4. The Circuit refused to hear Garcia's appeal and refused to say why, issuing an order that states in its entirety: "Appellant moves to recall the mandate. IT IS HEREBY ORDERED that the motion is DENIED." Pet. App. 1a.

REASONS FOR GRANTING THE PETITION

I. The Second Circuit Flouted this Court's Ruling in *Hunter*

Garcia's prison sentence undisputedly "exceed[s] what [§ 3582(a)] allows." *Hunter*, 608 U.S. at 728. He therefore "may appeal" despite his appeal waiver. *Id*. Without explanation, however, the Circuit refused to let him.

Congress has spoken clearly: "imprisonment is not an appropriate means of promoting correction and rehabilitation." § 3582(a). Thus: "Do not think about prison as a way to rehabilitate." *Tapia*, 564 U.S. at 330. Yet the judge here, at the government's urging, "fashion[ed] a sentence" of 145 months in prison to "help Mr. Garcia overcome" his "disorders." Pet. App. 35a. "[I]ncapacity is sometimes the only thing that enables a person to accept treatment. You got nowhere else to go." *Id*. at 48a. "[I]ncapacity" is "vital . . . to accomplish what needs to be accomplished with someone who has such severe lifelong trauma." *Id*. at 50a. "I am very seriously considering the cooccurring disorders." *Id*. at 55a. Garcia's 145-month prison term is "appropriate, given . . . the needs for punishment and deterrence but also rehabilitation." *Id*. at 59a-60a.

This was not a "standard-fare error[] in misapplying sentencing law," such as the "[mis]calculation of a Sentencing Guidelines range" or failure to perform the "mandatory consideration of multiple sentencing factors." *Hunter*, 608 U.S. at 727. Congress and this Court have unambiguously told judges to "not [even] think about prison as a way to rehabilitate an offender," *Tapia*, 564 U.S. at 330, but the judge here imposed a 145-month prison term to "help Mr. Garcia overcome" his "disorders" anyway. Pet. App. 35a. This error is "obvious— not one a judge could reasonably make." *Hunter*, 608 U.S. at 727. It isn't "uncertain or ordinary." *Id.* at 729. And overlooking the illegality of Garcia's prison sentence would, no less than excusing a faulty restitution order, "bring the judiciary into disrepute." *Id*. at 728.

Yet the Circuit decided to let the egregious error here slide. It didn't deny Garcia's sentence exceeds what § 3582(a) allows. Nor did it deny that, despite his waiver, he "may appeal a sentence exceeding what the relevant statute allows." *Id*. It simply refused to hear his appeal. And with no explanation.

II. Failing to GVR Here Would Sap Confidence in the Courts

The "legitimacy of our justice system relies on procedures that are 'neutral, accurate, consistent, trustworthy, and fair,'" *Rosales-Mireles*, 585 U.S. at 141 (citation omitted), and courts "have an 'independent' 'institutional interest' in ensuring that legal proceedings 'appear fair to all who observe them.'" *Hunter*, 608 U.S. at 725 (citation omitted). As especially relevant here, the unlawful "deprivation of liberty particularly undermines the fairness, integrity, or public reputation of judicial proceedings." *Rosales-Mireles*, 585 U.S. at 140.

Nothing about this case "'appear[s] fair'" to an impartial observer. *Hunter*, 608 U.S. at 725 (citation omitted). A "'court must not impose a sentence' that is 'unauthorized by law,'" *id.* at 717 (quoting *Kim*, 988 F.3d at 810 n.1), yet Petitioner's 145-month prison sentence – "fashion[ed]" to "help [him] overcome" his "disorders," Pet. App. 35a – is, undisputedly, unauthorized by law. "To a prisoner," moreover, unlawful "time behind bars is not some theoretical or mathematical concept. Any amount of actual jail time is significant," and "[i]t is crucial in maintaining public perception of fairness and integrity in the justice system that courts exhibit regard for fundamental rights and respect for prisoners." *Rosales-Mireles*, 585 U.S. at 139-40 (cleaned up).

Further, receiving a sentence that judges have been instructed to "not [even] think about" imposing, *Tapia*, 564 U.S. at 330, obviously wasn't "part of the bargain struck by [Garcia] and [the] prosecutor." *Hunter*, 608 U.S. at 724. He didn't "'know' and 'fully understand'" when he signed his plea agreement that his judge would "order punishment that defies" a "federal statute" and "this Court's precedents." *Id.* at 742 (Gorsuch, J., concurring). He was given no "warning that the district court might later violate the law. For good reason. A legal system branded with a disclaimer that its judges might violate the law would be no legal system at all." *Id.*

But alerted to the sentence here, which exceeds what § 3582(a) allows, and to this Court's ruling that "a defendant may appeal a sentence exceeding what the relevant statute allows," *Hunter*, 608 U.S. at 728, the Circuit nonetheless refused to hear Garcia's appeal. Perhaps worse, it provided no explanation.

How can the public be expected to regard courts as "'neutral, accurate, consistent, trustworthy, and fair,'" *Rosales-Mireles*, 585 U.S. at 141 (citation omitted), when they inexplicably refuse even to review "'obvious errors'" that "'require individuals to linger longer in federal prison than the law'" allows? *Id.* (quoting *Sabillon-Umana*, 772 F.3d at 1333).

In short, tolerating the judge's defiance of § 3582(a) and *Tapia* – and the Circuit's defiance of *Hunter* – "would call into doubt the judicial system's very attachment to law." *Hunter*, 608 U.S. at 726.

The Court should therefore exercise its "broad" "supervisory power" over the "lower federal courts," *United States v. Munsingwear, Inc.*, 340 U.S. 36, 40 (1950), by granting Garcia's petition, vacating the Circuit's order and remanding with instructions to hear his appeal. *See also, e.g., Snipe v. United States*, Sup. Ct. 25-7532 (GVR to Second Circuit on Oct. 5, 2026, in light of *Hunter*).

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

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