No. 26-6032 ORIGINAL

Supreme Court, U.S.
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IN THE

SUPREME COURT OF THE UNITED STATES

ANTHONY SERRANO — PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

ANTHONY SERRANO
(Your Name)

FCI HAZELTON MEDIUM
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P.O. Box. 5000
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(Phone Number)

QUESTION(S) PRESENTED

WHETHER LAW OF THE CASE DOCTRINE FORECLOSE RECONSIDERATION OF ISSUES THAT WERE DECIDED OR THAT COULD HAVE BEEN DECIDED DURING PRIOR PROCEEDINGS IN THE SAME CASE IN LIGHT OF In re: Bowe, 166 F.4th 1271 n.1 AND BOWE V. UNITED STATES 607 U.S. at 41 n.10 WHICH ESTABLISH CIRCUIT COURT SPLIT IN CIRCUITS.

LIST OF PARTIES

[x] All parties appear in the caption of the case on the cover page.

[ ] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

UNITED STATES V. ANTHONY SERRANO

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United States v. Winkelman, 746 F.3d 134, 135-136(3d Cir. 2014)

In re Bourgeois, 902 F.3d 446, 447(5th Cir. 2018)

Taylor v. Gilkey, 314 F.3d 832,836(7th Cir. 2002)

Avery v. United States, 770 Fed. Appx. 741, 2019 U.S. App. Lexis 15740(6th Cir. 2019)

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OTHER

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[X] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

[X] reported at Serrano v. US, No. 26-1846(2d 2026); or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

[ ] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

JURISDICTION

[ ] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was Aug. 31, 2026.

[X] No petition for rehearing was timely filed in my case.

[ ] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[ ] For cases from **state courts**:

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.

[ ] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Sixth Amendment to the Constitution of the United States provides:

In all criminal prosecutions, the accused shall enjoy the right impartial jury of the State and District wherein the crime shall have been commited, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witness against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

STATEMENT OF THE CASE

A. Appeal

On Aug. 31, 2026, a panel of the United States Court of Appeals For the Second Circuit(Lohier, Jr., Chief Judge ,Chin, and Nardini, J.)issued a opinion denying Second or Successive under 28 U.S.C. § 2255(h)(1) or (2). Pet. Appx. A.

REASONS FOR GRANTING THE PETITION

Petitioner has been raising his jury instruction on the Heroin Charge in Count One ECF No. 440 Jury Verdict Sheet Not Guilty.

QUESTION PRESENTED I.

WHETHER LAW OF THE CASE DOCTRINE FORECLOSE RECONSIDERATION OF ISSUES THAT WERE DECIDED OR THAT COULD HAVE BEEN DECIDED DURING PRIOR PROCEEDINGS IN THE SAME CASE IN LIGHT OF In re Bowe, 166 F.4th 1271 n.1 AND Bowe v. United States, 607 U.S. at 41 n.10 WHICH ESTABLISH CIRCUIT COURT SPLIT IN CIRCUITS.

Petitioner contention today are to direct his reason for granting his Writ of Certiorari on a continuing split in circuit's courts. Which Petitioner to these recent ruling from this Court in Bowe v. United States, 145 S.Ct. 1122, 220 L.Ed. 2d 420(2025):Bowe,607 U.S. at 41 n.10(stating that "court's developed different equitable doctrines to address abuses of the writ," and that "Congress can displace those doctrines, but in the absence of evidence of that intent, federal courts can continue to use those common-law tools"); In re Bowe, 166 F.4th at 1271 n.1("That is not to say that federal prisoners who file duplicative § 2255(h) requests will necessarily receive the authorization they seek. In many cases, the law of the case doctrine may bar reconsideration of a request that is substantively identical to one we have already denied."). In this it's on clear reason that this Court ruling in Bowe v. United States,145 S.Ct. 1122, 220 L.Ed. 2d 420(2025)(that directed in § 2244(b)(1) barred State actor from filing § 2255(h) petition but not § 2255 federal actor). In this ruling this court did not address the "law-of-the-case doctrine", which has now put forth a circuit split on these circuit's court although

this ruling didn't stop Michael Bowe from receiving relief in Eleventh Circuit Court of Appeals as the case doctrine did not apply to him. With this it should be clear Second Circuit Court of Appeals cannot rely on it as to the other circuit's court.See(In re Bowe, 166 F.4th at 1271 n.1; no. 24-11704 11th Cir. Feb. 6, 2026). With this it would have been clear to move under this approach as Gallagher v. United States, 711 F.3d 315(2d cir. 2013) has been abrogated under Bowe v. United States,145 S.Ct. 1122, 220 L.Ed. 2d 420(2025);See(Bowe v. United States, 146 S.Ct. 447, 223 L.Ed. 2d 311, 2026 U.S. Lexis 4, at *4(U.S. Jan. 9, 2026). That holding abrogated our Baptiste decision.In this the Court should first have the reason to change the law in the "Law-of-the-case doctrine" that will continue to forecloses reconsideration of issues that were decided or that could have been decided during prior proceedings in the same case. This problem is re-occurring in all circuit court's that have now move with this recent decision by this Court under Bowe v. United States,607 U.S. 13(2026), that rectify Petitioner conclusion to now overcome § 2244-(b)(1) to neverless fail again after the Second Circuit Court of Appeals apply the case doctrine to foreclose any new reason to meet a prima facie in law that warrants § 2255(h)(1) or (2) grant on Second or Successive Petition. With this Petitioner can rely on other Circuit Court's who would be under the same boat and fall short unless the Supreme Court will grant Writ of Certiorari to address the "Law-of-the-Case Doctrine". Upon these understanding and the facts to not further delay any piece meal litigations Petitioner will hindsight and put all the weight on his back to do request the Supreme Court Justices accept this Question before this Court that rely on circuit's split's. See(In re Bourgeois, 902 F.3d 446, 447(5th Cir. 2018);See(Taylor v. Gilkey, 314 F.3d 832,836(7th Cir. 2002);

See(Avery v. United States, 770 Fed. Appx. 741, 2019 U.S. App. Lexis 15740(6th Cir. 2019); See(Winarske v. United States, 913 F.3d 765, 768-79(8th Cir. 2019); United States v. Williams, 475 F.3d 468, 471(2d Cir. 2007); See(US v. Goidry, 2023 App. Lexis 17521 No. 21-50365(5th Cir. 2023); See(US v. Johnson, 899 F.3d 191 2018 U.S. App. Lexis 21909 3rd Cir. 2018);See(United States v. Winkelman, 746 F.3d 134, 135-136(3d Cir. 2014); See(Gallagher v. United States, 711 F.3d 315(2d Cir. 2013); Now the facts which should be clear and precise Petitioner can meet the First hurdle as Bowe v. United States abrogated § 2244(b)(1) provision only in the federal habeas challenges. But in the Second hurdle the Supreme Court Justices do have to grant the Writ of Cert. to address and abrogate the Circuit Court's of Appeals "Law of The Case Doctrine" that forecloses the reconsiderations of any previously filing's on Second or Successive filing in the lower Court's.In re Baptiste, 828 F.3d 1337,1340(11th Cir. 2016).

Petitioner provision is to have these conclusion addressed so he can follow down below with his reason why his previous in 2d Cir. 19-3224, Doc. 40 (order) cannot stand and the facts upon his reason that Petitioner recent caselaw's were not available previously anyway. See(US v. Heyward, 3 F.4th 75(2d Cir. 2021); See(US v. McCoy, 995 F.3d 32(2d Cir. 2021);See(US v. Martinez, 991 F.3d 347(2d Cir. 2021), the facts Heyward,McCoy and Martinez discussed United States v. Davis, 588 U.S. 445(2019), and Johnson v. United States, 576 U.S. 591(2015) which if the Court rely on Jury verdict ECF 440 and the facts Count One Heroin charge proven by the Jury to be Not Guilty on that charges. Do speak volumes as Second Circuit rely on their facts the in Doc. Entry 14.1 No. 26-1846 (2 of 2), Stating Davis and johnson are not relevant to Petitioner's § 924(c) conviction because this Court has already determined that his § 9249c) conviction

was predicated on a narcotics conspiracy, a type of predicate that Davis and johnson do not address. 2d Cir. 19-3224, Doc. 40 (Order). Which should be abrogated at this time when during this ruling none of these caselaw's were available during this prior order or challenge on the record before upon the jury instruction. This why this Court should have been directed to address this contentions as the facts now in Bowe v. United States, 607 U.S. at 41 n.10; Which goes to the heart of the previous ruling that lies on every circuit court's to foreclose under the case doctrine from prior filing in circuit courts. Furthermore it should be clear to move and correct this split in circuit so Petitioner and other's can bear fruits of there labor. In this approach it has been long time coming and that will speak volume as the facts are Petitioner limited to filing in the lower courts to address such arguments which has been foreclose in the Second Circuit Court of Appeals under the United States v. Williams, 475 F.3d 468,471(2d Cir. 2007).

Wherefore the Court Should Grant Reverse and Remand back to Second Circuit Court of Appeals. With either to address Petitioner claims or move down below to grant the writ of certiorari.

CONCLUSION

Based on the foregoing, Petitioner Anthony Serrano respectfully request this Court to issue a writ of certiorari to the Split In Circuits under Law-of-the Case-Doctrine.

CONCLUSION

The petition for an extraordinary writ of habeas corpus should be granted.

Respectfully submitted,

Anthony Serrano

Date: October 12, 2026