No. _____

In the Supreme Court of the United States

_____

Noah Adam England,
Petitioner,

v.

United States of America,
Respondent

_____

On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Fifth Circuit

_____

PETITION FOR A WRIT OF CERTIORARI

_____

Quincy Hope Ferrill
Assistant Federal Public Defender
Northern District of Texas
819 Taylor Street, Room 9a10
Fort Worth, Texas 76102
(817) 978-2753
Quincy_Ferrill@fd.org

QUESTION PRESENTED

Whether 18 U.S.C. § 3583(g) comports with the Fifth and Sixth Amendments?

LIST OF PARTIES

Noah Adam England, petitioner on review, was the Defendant-Appellant below. The United States of America, respondent on review, was Plaintiff-Appellee. No party is a corporation.

RELATED PROCEEDINGS

- *United States v. England*, No. 4:22-CR-00009-Y-1, U.S. District Court for the Northern District of Texas. Judgment entered on February 13, 2026.

- *United States v. England*, No. 26-10134, U.S. Court of Appeals for the Fifth Circuit. Judgment entered on August 3, 2026.

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PETITION FOR A WRIT OF CERTIORARI

Noah Adam England respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Fifth Circuit.

OPINION BELOW

The Fifth Circuit's unreported opinion is available on Westlaw's electronic database at 2026 WL 2244196 (5th Cir. August 3, 2026) and reprinted at Pet.App.A.

JURISDICTION

The Court of Appeals issued its panel opinion on August 3, 2026. This Court has jurisdiction pursuant to 28 U.S.C. § 1254(1).

RELEVANT PROVISIONS

18 U.S.C. § 3583(g) states:

> (g) Mandatory Revocation for Possession of Controlled Substance or Firearm or for Refusal To Comply With Drug Testing.—If the defendant—
> (1) possesses a controlled substance in violation of the condition set forth in subsection (d);
> (2) possesses a firearm, as such term is defined in section 921 of this title, in violation of Federal law, or otherwise violates a condition of supervised release prohibiting the defendant from possessing a firearm;
> (3) refuses to comply with drug testing imposed as a condition of supervised release; or
> (4) as a part of drug testing, tests positive for illegal controlled substances more than 3 times over the course of 1 year;
> the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment not to exceed the maximum term of imprisonment authorized under subsection (e)(3).

The Fifth Amendment to the United States Constitution provides:

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual

service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

The Sixth Amendment provides:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, 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 witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

STATEMENT OF THE CASE

A. Facts and District Court Proceedings

On June 7, 2022, the district court for the Northern District of Texas entered a judgment sentencing Noah England to 37 months' imprisonment and three years' supervised release following a plea of guilty to one count charging felon-in-possession of a firearm, 18 U.S.C. § 922(g)(1).[1]

Mr. England began his term of supervised release on November 25, 2024.[2] On December 18, 2025, Mr. England's probation officer filed a Petition for Person Under Supervision alleging that Mr. England had violated his conditions of supervised release by, *inter alia*, possessing a controlled substance and refusing to comply with drug testing requirements. The petition, citing 18 U.S.C. §§ 3583(g)(1) & (g)(3), indicated that the court was obligated to revoke the term of release and impose a term of imprisonment.[3]

Mr. England admitted to the allegations and the district court revoked Mr. England's supervised release and sentenced him to 11 months' imprisonment and 24 months' additional supervised release.[4]

B. Proceedings on Appeal

Mr. England appealed, arguing that the district court erred in applying the mandatory revocation provision of 18 U.S.C. § 3583(g), because that provision violates

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[1] *See* ROA. at 62-63.
[2] *See* ROA at 85.
[3] *See* ROA at 89.
[4] *See* ROA at 103-104.

the Fifth and Sixth Amendments under the rationale of *United States v. Haymond*, 588 U.S. 634 (2019). *See* Pet. App.A; *United States v. England*, 2026 WL 2244196 at *1 (5th Cir. August 3, 2026) (unpublished). Petitioner conceded that his claim was foreclosed by circuit precedent, and the court of appeals agreed. *See England*, 2026 WL 2244196 at *1.

REASONS FOR GRANTING THIS PETITION

This Court should hold the instant Petition pending any plenary grant of certiorari addressing the question presented, which was reserved by the plurality in *United States v. Haymond*, 588 U.S. 634 (2019).

A. This case presents an unaddressed question from *Haymond* regarding the continued viability of the mandatory revocation statute of 18 U.S.C. § 3583(g).

The Fifth and Sixth Amendments to the United States Constitution require that any fact that increases the defendant's maximum or minimum range of punishment must be proven to a jury beyond a reasonable doubt. *See Apprendi v. New Jersey*, 530 U.S. 466 (2000); *Alleyne v. United States*, 570 U.S. 99 (2013). Section 3583(g)(1) and (3) of Title 18 compels the district court to impose a term of imprisonment when a defendant on supervised release possesses a controlled substance or refuses to comply with drug testing imposed as a condition of supervised release. A straightforward application of *Alleyne*, therefore, would tend to show that either fact must be proven to a jury beyond a reasonable doubt. Alternatively, a reviewing court might conclude that Congress would have preferred to sever and excise the mandatory revocation provision to compelling a jury trial for every

allegation of refusal to comply with required drug testing. *See United States v. Booker*, 543 U.S. 220 (2005).

In *United States v. Haymond*, 588 U.S. 634 (2019), the Court addressed the constitutionality of 18 U.S.C. §3583(k), which requires revocation and a five-year term of imprisonment when sex offenders on supervised release commit a new specified sex offense. A plurality of the Court found that the provision violates the jury trial guarantee of the Sixth Amendment, though they did not join a common opinion. *See Haymond*, 588 U.S. at 656 (Gorsuch, J., plurality op.); *Haymond*, 588 U.S. at 658 (Breyer, J., concurring).

A four-Justice plurality expressly reserved the question at issue in this case: whether 18 U.S.C. 3583(g) violates the Fifth and Sixth Amendment:

> Just as we have no occasion to decide whether § 3583(k) implicates *Apprendi* by raising the ceiling of permissible punishments beyond those authorized by the jury's verdict, see n. 4, supra, we do not pass judgment one way or the other on § 3583(e)'s consistency with Apprendi. Nor do we express a view on the mandatory revocation provision for certain drug and gun violations in § 3583(g), which requires courts to impose "a term of imprisonment" of unspecified length.

588 U.S. at 652 n.7 (Gorsuch, J.)(plurality op.). Such reservations have previously foreshadowed grants of certiorari on the reserved issue, often promptly. *Compare Blakely v. Washington*, 542 U.S. 296, 305, n.9 (2004)("The Federal Guidelines are not before us, and we express no opinion on them.") *with United States v. Booker*, 543 U.S. 220 (2005)(rendering a holding on this question); *compare Voisine v. United States*, 579 U.S. 686, 694 n.4 (2016)(Like *Leocal*, our decision today concerning § 921(a)(33)(A)'s scope does not resolve whether § 16 includes reckless behavior.") *with*

Borden v. United States, 593 U.S. 420 (2021)(rendering a holding on the question); *see also Voisine*, 579 U.S. at 689 ("…we expressly left open whether a reckless assault also qualifies as a "use" of force—so that a misdemeanor conviction for such conduct would trigger § 922(g)(9)'s firearms ban. . . . The two cases before us now raise that issue.")(internal citations omitted)(*citing United States v. Castleman*, 572 U.S. 157 (2014)).

B. This Court should grant certiorari to address the issue in another case, and hold the instant Petition pending the outcome.

Petitioner did not challenge the constitutionality of the mandatory revocation statute at the district court. Although this may present a vehicle problem for a plenary grant in the present case, the issue is worthy of certiorari, and the Court should grant review in a case presenting the issue.

In the event that the Court chooses to address this issue while the instant case remains on direct appeal, the outcome may be affected. Although the error was not preserved in district court, which compels review for plain error only, *see* Fed. R. Crim. P. 52(b), the "plainness" of error may be established by change of precedent before the judgment is final. *See Henderson v. United States*, 568 U.S. 266 (2013). Accordingly, Petitioner requests that the Court hold his petition pending any case that presents the issue reserved in *Haymond*, and then grant the petition, vacate the judgment below, and remand for reconsideration. *See Lawrence on behalf of Lawrence v. Chater*, 516 U.S. 163 (1996).

CONCLUSION

Petitioner asks this Court to grant certiorari to review the judgment of the United States Court of Appeals for the Fifth Circuit.

Respectfully submitted November 2, 2026.

/s/ Quincy Hope Ferrill
Quincy Hope Ferrill
Assistant Federal Public Defender
Northern District of Texas
819 Taylor Street, Room 9a10
Fort Worth, TX 76102
(817) 978-2753

Attorney for Petitioner