

**IN THE
SUPREME COURT OF THE UNITED STATES**

BRADLEY LANE CROFT,
Applicant,
v.
UNITED STATES OF AMERICA,
Respondent.

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

**EMERGENCY APPLICATION FOR RELEASE ON BAIL
PENDING DISPOSITION OF PETITION FOR A WRIT OF CERTIORARI
AND REQUEST FOR TEMPORARY ADMINISTRATIVE RELIEF**

TO THE HONORABLE SAMUEL A. ALITO, JR.,
ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES
AND CIRCUIT JUSTICE FOR THE FIFTH CIRCUIT

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APPLICATION TO THE CIRCUIT JUSTICE

TO THE HONORABLE SAMUEL A. ALITO, JR., ASSOCIATE JUSTICE OF THE
SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE FIFTH
CIRCUIT:

Applicant Bradley Lane Croft respectfully applies under Supreme Court Rule 22 and 18 U.S.C. § 3143(b) for release on bail from the Bureau of Prisons' execution of the remaining custodial portion of his sentence while this Court considers the petition for a writ of certiorari filed contemporaneously with this application. Applicant alternatively requests a temporary administrative stay of the remaining custodial sentence, an expedited response, and any other interim relief needed to preserve this Court's ability to provide meaningful review.

INTRODUCTION AND RELIEF REQUESTED

This is the unusual case in which the statutory "short-sentence" protection in § 3143(b)(1)(B)(iv) is not peripheral. It is the center of the application. Applicant is in federal custody on home confinement through RRM San Antonio. The Bureau of Prisons lists January 28, 2027 as his projected release date. As of July 24, 2026, only 188 days remain. The ordinary petition-stage timetable can consume a substantial part of that period, and merits proceedings after a grant would extend well beyond it. Without interim relief, Applicant is likely to complete the challenged custodial term before this Court can decide whether that term lawfully exists.

The sentence structure makes the problem concrete. The district court imposed a 70-month concurrent term on the non-identity-theft counts and an additional 48 months attributable to the aggravated-identity-theft counts. Applicant has remained in federal custody since the verdict on November 6, 2019 and has already served more than the 70-month non-§ 1028A term. The sentence still being executed therefore exists because of the consecutive § 1028A block challenged in the certiorari petition. If Counts Nine through Twelve are vacated, the

reduced term would be shorter than the time Applicant has already served, even before adding the expected duration of Supreme Court review.

The petition presents two record-defined questions. First, the Fifth Circuit's published post-GVR opinion selected identity itself as the "basis," "heart," "core," "key mover," and "crux" of the predicate fraud and then attributed that determination to "the trial court's findings," even though the district court entered only a general verdict, no specific crux finding can be identified, the district court's own identified language described identity use only as facilitation, the Government's TVC witness testified that names alone could not obtain approval, and Judge Ho identified qualifications rather than names as a reasonable competing crux. Second, the opinion carried identity use from an antecedent composite TVC approval package into eight later payment-wire predicates arising from a separate composite VA enrollment-and-payment package that did not require or use the four identities. The asserted bridge was approval-chain causation and facilitation, the forms of connection Dubin rejected as insufficient.

Those questions satisfy the statutory and equitable standards for interim release. They are substantial under the Fifth Circuit's own definition; they present a reasonable probability of certiorari because they implicate an acknowledged departure from the accepted course of appellate factfinding and a recurring, published post-Dubin rule now being used by other circuits; and, if resolved in Applicant's favor, they are likely to eliminate the only custodial term still being served. Meanwhile, Applicant is already living in the community under BOP supervision. Strict conditions can preserve the status quo and protect every legitimate interest while preventing the petition from becoming a review of liberty that has already been irretrievably lost.

JURISDICTION AND AUTHORITY

This Court has jurisdiction over the petition under 28 U.S.C. § 1254(1). The petition seeks review of the Fifth Circuit’s June 15, 2026 order denying Applicant’s motion to recall, reform, or clarify its post-GVR mandate, as left in place by the July 9, 2026 order denying rehearing en banc. Cert. Pet. App. 1a-2a.

Supreme Court Rule 22 governs applications to an individual Justice and expressly contemplates that a Justice receiving an application “for bail” may refer it to the Court. Sup. Ct. R. 22.1, 22.3, 22.5. Justice Alito is the Circuit Justice for the Fifth Circuit. The application is prepared in the 8½-by-11-inch format authorized by Rule 33.2, contains the tables required by Rule 34, is accompanied by a separate proof of service under Rule 29, and is addressed to the Circuit Justice as Rule 22 requires. To the extent a temporary stay of execution is necessary to effectuate release while the application is considered, Rule 23 and 28 U.S.C. § 2101(f) provide additional interim authority.

Section 3143(b) expressly governs a sentenced defendant who has filed “an appeal or a petition for a writ of certiorari.” 18 U.S.C. § 3143(b)(1). Morison confirms that “[t]he statutory standard for determining whether a convicted defendant is entitled to be released pending a certiorari petition is clearly set out in 18 U.S.C. § 3143(b).” *Morison v. United States*, 486 U.S. 1306, 1306 (1988) (Rehnquist, C.J., in chambers). Julian adds that bail from this Court is reserved for extraordinary circumstances and, at minimum, requires a reasonable probability that four Justices will vote to grant certiorari. *Julian v. United States*, 463 U.S. 1308, 1309 (1983) (Rehnquist, J., in chambers). Applicant addresses both the statute and that demanding institutional standard below.

STATEMENT

A. Custodial posture and sentence structure

Applicant was convicted after a bench trial of eight counts of wire fraud, four counts of aggravated identity theft, two counts of money laundering, and two counts of making false tax returns. The district court imposed a total custodial term of 118 months: a 70-month concurrent block on the non-§ 1028A counts plus an aggregate 48-month consecutive block attributable to the four § 1028A counts. Judgment, Dkt. 228; Cert. Pet. App. 98a.

Applicant has been continuously in federal custody since November 6, 2019. He is now serving the sentence in the community on BOP home confinement through RRM San Antonio. The BOP's public locator lists a projected release date of January 28, 2027. Thus, Applicant has already served more than the 70-month non-§ 1028A term, and 188 days remain on the total sentence as of this application.

Home confinement remains federal custody and a concrete restraint on liberty. Applicant does not ask the Court to erase the conviction by interim order or to disturb restitution, forfeiture, or supervised release. He asks only that the Court suspend execution of the remaining custodial term and release him under conditions while it decides whether the § 1028A block that now supplies the custody can lawfully stand.

B. The certiorari petition and its two questions

This Court previously granted certiorari, vacated the Fifth Circuit's original judgment, and remanded for reconsideration in light of *Dubin v. United States*, 599 U.S. 110 (2023). *Croft v. United States*, 143 S. Ct. 2635 (2023). On remand, the panel affirmed in a published opinion. *United States v. Croft*, 87 F.4th 644 (5th Cir. 2023).

The majority relied on the combined importance of the instructor roster, certifications, qualifications, proposed courses, and TVC approval. It nevertheless extracted identity itself from

that composite proof and declared that “who” was teaching supplied the basis and heart of the wire fraud and that the four identities were the core, key mover, and crux of the fraud. *Id.* at 650-51. It then concluded that “the evidence supports the trial court’s findings.” *Id.* at 651.

The certified record contains no specific trial-court finding selecting identity itself as the crux. Before verdict, the district court accepted a timely Rule 23(c) request for findings. Bench Trial Tr., Dkt. 183, at 7:21-9:8; Cert. Pet. App. 49a. The written and oral verdicts were general. Dkts. 130, 189; Cert. Pet. App. 85a. At sentencing, Judge Ezra stated that he had to “produce appropriate findings and file those” and that he “did in this case,” but no docket entry or transcript contains the who-or-crux finding the panel attributed to the trial court. Sentencing Tr., Dkt. 246, at 29:14-30:13; Cert. Pet. App. 93a.

The Government’s own TVC witness, Rufus Coburn, the former director of TVC’s Veterans Education Program, described a composite approval process involving names, individual certifications, qualifications, proposed duties, proposed courses, catalog compliance, facility requirements, public availability, and regulatory approval. He testified expressly that names without certifications would not obtain approval because TVC could not validate qualifications. Bench Trial Tr., Dkt. 183, at 22-28, 45, 61:2-5; Cert. Pet. App. 49a. The district court later described the identities as “utilized by the defendant to facilitate his conduct.” Sentencing Tr. 4:9-11; Cert. Pet. App. 93a.

Judge Ho identified the competing resolution. He wrote that it would be reasonable to conclude that the real crux “turned, not on any person’s name, but rather on their qualifications to teach,” and stated that he was not sure the affirmance could be reconciled with *Dubin*. Croft, 87 F.4th at 654-55 (Ho, J., dubitante).

The predicate mismatch is independently concrete. The four identities appeared in the antecedent composite TVC approval package. The eight charged wires arose years later from

separate student-specific VA enrollment-and-payment packages identifying the student, VA file, course, enrollment period, hours, tuition and fees, facility code, and certifying official. Those payment-side packages did not require or use the four instructor identities. Dkt. 564; Cert. Pet. App. 107a. The connection between the two packages was a multi-step chain from approval, to program participation, to enrollment certification, to VA review and Treasury payment.

After the 2023 opinion, later decisions sharpened the legal consequence of that separation. *United States v. McDonald*, 166 F.4th 440, 447-51 (4th Cir. 2026), held that identity use in a related but distinct segment of a multifaceted fraud was ancillary to the charged wire and required acquittal. *United States v. Motley*, 168 F.4th 588, 599-603 (9th Cir. 2026), vacated § 1028A convictions where identities were used in antecedent incorporation and Medicare-enrollment materials but not at the crux of later claims. *United States v. Omotayo*, 132 F.4th 181, 197-201 (2d Cir. 2025), likewise reversed where identity-bearing material supported a broader scheme but did not perform the integral role required by *Dubin*. *Omotayo* and *McDonald* cited *Croft* while developing the post-*Dubin* law.

The district court's October 29, 2025 § 2255 order then exposed a closed loop. Dkt. 535 used broad-deceit reasoning when addressing the Keeling evidence, but when it reached *Dubin*, it did not identify a trial-court crux finding. It quoted the Fifth Circuit's crux characterization and treated the mandate as dispositive. The Fifth Circuit had pointed to "the trial court's findings"; the district court pointed back to the Fifth Circuit. Cert. Pet. 18-20, 31-34; Cert. Pet. App. 30a-48a.

Applicant moved the Fifth Circuit to recall, reform, or clarify the mandate after those post-certiorari developments made the record defect demonstrable. The court denied relief on June 15, 2026 and denied rehearing en banc on July 9, 2026. Cert. Pet. App. 1a-2a. The certiorari petition challenges those orders and requests vacatur of Counts Nine through Twelve and

resentencing, or at minimum a remand that does not treat an appellate characterization as a preexisting trial-court finding and does not transfer identity use across separate packages through approval-chain causation.

C. Prior requests for release below

Applicant has repeatedly sought interim release in the lower courts. After this Court's 2023 GVR, he sought release pending the Fifth Circuit's reconsideration; the panel denied the motion as moot when it issued the 2023 merits opinion. *Croft*, 87 F.4th at 645-46.

In January 2026, Applicant sought emergency release in related extraordinary-writ proceedings. The Fifth Circuit disposed of those writ petitions and denied the accompanying bond motions on January 22, 2026. *In re Croft*, Nos. 25-50775, 25-50829 & 25-50849, Order at 6 (5th Cir. Jan. 22, 2026).

Applicant also filed a motion for release from home confinement in consolidated Appeals Nos. 25-50957 and 25-50961 on January 27, 2026. The Government opposed the motion on February 13; the Fifth Circuit accepted Applicant's reply on April 6; Applicant filed a supplemental memorandum on May 12 and a motion to expedite on May 26. To Applicant's knowledge, no order resolving that motion has issued as of July 24, 2026. Those appeals concern collateral and forfeiture proceedings, while the present certiorari petition concerns the Fifth Circuit's June and July 2026 refusal to correct its own post-GVR mandate. But the months-long absence of a release decision, combined with only 188 days remaining, makes effective relief unavailable below on the timetable that now matters.

Although this is an application for bail under Rule 22, Applicant follows the lower-court exhaustion principle reflected in Supreme Court Rule 23.3. Applicant has sought interim release below repeatedly. He does not rely on silence as a substitute for exhaustion; he relies on the concrete fact that lower-court requests have either been denied, denied as moot with disposition

of the associated proceeding, or left unresolved while the custodial clock continues to run. The present application is directed to the Circuit Justice because the certiorari petition is now the only proceeding capable of eliminating the custodial term before it expires.

REASONS FOR GRANTING THE APPLICATION

I. Section 3143(b) governs release pending certiorari, and the statutory requirements are satisfied.

Section 3143(b)(1) begins with detention but authorizes release if the judicial officer finds:

(A) by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released under section 3142(b) or (c); and (B) that the appeal is not for the purpose of delay and raises a substantial question of law or fact likely to result in reversal, a new trial, a sentence that does not include imprisonment, or “a reduced sentence to a term of imprisonment less than the total of the time already served plus the expected duration of the appeal process.” 18 U.S.C. § 3143(b)(1).

Morison applies that statute specifically to release pending certiorari. 486 U.S. at 1306.

Morison denied relief because the applicant had not raised a substantial question as to every count supporting imprisonment. *Id.* at 1306-07. This case presents the converse. Applicant challenges the only counts that continue to supply custodial time. The unchallenged 70-month term has already been served. If the challenged § 1028A counts are vacated, the sentence will be reduced below both the time already served and the time already served plus the expected duration of review. Section 3143(b)(1)(B)(iv) therefore fits this record precisely.

The application is not for delay. Delay harms Applicant because every day of delay consumes the only relief the application seeks to preserve. The petition was filed promptly after the Fifth Circuit’s July 9 rehearing denial, and the application asks the Court to decide a fixed record question, not to prolong the criminal case.

II. Applicant presents clear and convincing evidence that conditions will reasonably assure appearance and community safety.

Applicant candidly acknowledges that the district court denied release after the 2019 verdict and again before sentencing. Those orders relied on allegations of witness fear, Applicant's prior record, and then-existing concerns about ties and proposed custodians. Dkts. 140, 212. The Court should not ignore those orders. It should assess them against the materially different present posture and the concrete conditions now available.

First, Applicant is not asking to move from a secure institution into an untested community placement. The Bureau of Prisons has already placed him in the community on home confinement through RRM San Antonio. That present placement does not decide the statutory question, but it demonstrates that community-based supervision is already operating and that the requested release can be structured as a transition from one set of enforceable conditions to another.

Second, Applicant has only 188 days remaining. The short remainder materially reduces any incentive to flee. Flight would expose Applicant to a new federal offense, immediate revocation, and loss of the community placement he already has, all to avoid a term scheduled to end in January 2027.

Third, Applicant will remain at his current BOP-approved San Antonio residence and will accept any combination of conditions the Circuit Justice or a lower court deems appropriate, including electronic monitoring, travel restriction to the Western District of Texas, regular reporting, surrender of any passport, no contact with trial witnesses, and immediate appearance whenever ordered. The requested order may direct Pretrial Services to propose and supervise conditions under § 3142(c).

Fourth, the offenses at issue are nonviolent financial offenses. Applicant's historical pretrial release proceeded without a revocation motion, and the record reported no disciplinary issues during the initial period of incarceration. More importantly, his current BOP placement supplies a recent, objective basis for concluding that strict conditions can manage any residual concern.

Fifth, the requested relief can preserve every legitimate safety interest without continued BOP custody. Applicant specifically consents to a no-contact condition covering all trial witnesses and alleged victims, a prohibition on possessing firearms or dangerous weapons, and any monitoring the Court deems necessary. If the Circuit Justice prefers current factual findings by a lower court, Applicant requests an administrative stay and an immediate limited remand for the setting of conditions rather than denial that allows the 188-day period to disappear.

The attached declaration confirms Applicant's present BOP status, fixed community placement, projected release date, willingness to submit to strict conditions, and understanding that any violation could result in immediate revocation. Taken together, those facts provide clear and convincing assurance that release under § 3142(b) or (c) will reasonably assure appearance and safety.

III. The petition presents substantial questions and a reasonable probability of certiorari and merits relief.

Julian requires, at minimum, a reasonable probability that four Justices will vote to grant certiorari. 463 U.S. at 1309. Section 3143(b) also requires a substantial question likely to produce qualifying relief. The petition satisfies both requirements, while Applicant recognizes that neither a prior GVR nor a forceful dissent guarantees review.

Applicant also does not minimize the finality principles governing mandate recall. *Calderon v. Thompson*, 523 U.S. 538, 549-50 (1998), and *Bell v. Thompson*, 545 U.S. 794,

805-06 (2005), reserve recall for extraordinary circumstances. The petition accepts that standard and identifies post-certiorari circumstances that were not available when this Court denied review in 2024: Dkt. 535 objectively exposed the closed-loop foundation; later circuits crystallized the package- and stage-specific Dubin problem; and the certified record confirms that no specific trial-court crux finding exists. The June 15 refusal to correct the mandate is the order now under review.

A. The panel supplied and misattributed a disputed crux determination.

The first question is not a generalized disagreement with sufficiency review. It concerns the accepted division between trial and appellate factfinding after an intervening decision makes an unresolved factual distinction dispositive. The district court made no specific finding that identity itself, rather than qualifications or the composite approval representation, was the crux of the wire-fraud predicates. The record permits competing resolutions. Judge Ho said so expressly. The panel nevertheless selected identity and attributed that selection to “the trial court’s findings.”

This Court has repeatedly required remand when a dispositive factual determination has not been made below and the record permits more than one resolution. *DeMarco v. United States*, 415 U.S. 449, 450 & n.* (1974) (per curiam); *Pullman-Standard v. Swint*, 456 U.S. 273, 291-93 (1982); *Icicle Seafoods, Inc. v. Worthington*, 475 U.S. 709, 713-14 (1986). The Fifth Circuit’s own Rule 23(c) precedent likewise requires findings sufficient for intelligent appellate review rather than appellate selection of a missing factual premise. *United States v. Pinner*, 561 F.2d 1203, 1206-07 (5th Cir. 1977).

The procedural departure is unusually visible. At the 2023 remand argument, the panel recognized that findings had been requested, stated that it could not locate them, confirmed with the Government that the district court entered a general verdict, and discussed vacating and

remanding for findings. The Government identified no existing identity-at-the-crux finding and urged the panel to derive crux from the record. The published opinion then used the derived characterization and called it the trial court's finding. Cert. Pet. 17-18, 23-25; Cert. Pet. App. 130a.

That sequence presents a classic Rule 10 reason for review: a court of appeals departed from the accepted course of judicial proceedings by resolving a disputed factual premise in the first instance and misattributing the result to the trial tribunal. Sup. Ct. R. 10(a), (c). The question is institutionally important because the appellate attribution is now embedded in a published post-Dubin precedent.

B. The panel transferred identity use from one composite package to a separate later package.

The second question is independently substantial under Dubin. The alleged identity use occurred in an antecedent composite TVC approval package. The eight charged wire predicates arose from separate VA enrollment-and-payment packages that did not require or use the four instructor identities. To reach the charged wires, the earlier identity-bearing submission had to pass through TVC approval, VA program participation, student enrollment certification, VA claim review, authorization, and Treasury processing.

Dubin rejected the proposition that identity use satisfies § 1028A merely because it facilitated, furthered, or stood in a but-for relationship to a broader fraud. 599 U.S. at 117, 122-23, 131-32. Its limiting inquiry asks whether use of the means of identification was at the crux of what made the particular predicate conduct criminal. *Id.* The district court's own identified language was facilitation. The two-package chain is approval causation. Neither supplies the identity-specific and predicate-specific criminality Dubin demands.

McDonald and Motley show that the issue recurs in modern multi-stage fraud prosecutions. McDonald separated distinct segments of the conduct and held that identity use ancillary to the charged wire was insufficient. 166 F.4th at 447-51. Motley held that identities used to enter Medicare could not migrate into later fraudulent claims merely because the antecedent stage enabled the scheme. 168 F.4th at 599-603. Omotayo likewise rejected identity-bearing material that supported the broader fraud but did not perform the integral role required by Dubin. 132 F.4th at 197-201.

The petition therefore does more than ask this Court to reweigh evidence. It asks whether a published post-GVR opinion may extract identity from composite approval proof and then transfer that identity use into a separate later payment package through approval-chain causation. That question affects licensing, provider-enrollment, regulatory-approval, eligibility, billing, and payment prosecutions nationwide.

C. The issues satisfy the Fifth Circuit’s substantial-question standard.

The Fifth Circuit defines a substantial question under § 3143(b) as one that raises “a substantial doubt (not merely a fair doubt)” about the outcome. *United States v. Valera-Elizondo*, 761 F.2d 1020, 1024 (5th Cir. 1985). The questions here exceed that threshold for several independent reasons: this Court already GVR’d the case in light of Dubin; the majority’s own opinion acknowledged Dubin’s rejection of facilitation; Judge Ho identified a reasonable competing crux and questioned reconciliation with Dubin; the panel itself recognized the missing findings and considered remand; later circuits have adopted predicate- and stage-specific approaches; and the district court’s 2025 order exposed the circular foundation by pointing back to the appellate opinion rather than identifying a trial-court crux finding.

The Government may argue that the 2023 majority simply conducted ordinary Jackson review of a general verdict. But the petition squarely addresses that alternative. Even if the

opinion is treated as pure sufficiency review, the record contains no identity use in the separate payment-side packages and no evidence tying a particular instructor identity to a particular charged 2018 wire. The evidence showed a composite TVC package and a multi-step approval chain. Under *Dubin*, *McDonald*, *Motley*, and *Omotayo*, that presents at least a substantial question whether a rational factfinder could locate identity itself at the crux of the charged predicates. See *Jackson v. Virginia*, 443 U.S. 307, 319 (1979).

If the evidence is insufficient under the correct statutory rule, *Burks* requires acquittal rather than a second opportunity to prove the missing element. *Burks v. United States*, 437 U.S. 1, 18 (1978). If the record can support competing inferences but requires a trial-level factual selection, *DeMarco*, *Pullman-Standard*, *Icicle Seafoods*, and *Pinner* require remand rather than appellate creation of the missing finding. Either path produces qualifying relief under § 3143(b).

IV. The likely relief is a reduced sentence shorter than time already served plus the expected review period.

Section 3143(b)(1)(B)(iv) asks whether the substantial question is likely to result in “a reduced sentence to a term of imprisonment less than the total of the time already served plus the expected duration of the appeal process.” This case is not close on that arithmetic. The non-§ 1028A term is 70 months. Applicant has been in custody since November 2019 and has served more than 80 months. The challenged § 1028A counts supply 48 additional months. Vacating those counts would reduce the custodial term below time already served.

Morison denied bail because an unchallenged theft conviction independently supported imprisonment. 486 U.S. at 1306-07. Here, no unchallenged count supports any further custodial time once the 70-month concurrent block is credited as served. That distinction makes § 3143(b)(1)(B)(iv) especially powerful: Applicant is not asking for release based on a possible

reduction that might someday approach the remaining term. He challenges the entire block responsible for the custody that exists today.

The petition's requested relief is correspondingly focused. It seeks vacatur of Counts Nine through Twelve, judgments of acquittal on those counts, and resentencing without the mandatory § 1028A terms. Cert. Pet. 38. At minimum, it seeks vacatur of the Fifth Circuit's refusal to correct the mandate and reconsideration under the proper factual and stage-specific framework. Because the unchallenged custodial term is already served, either a merits ruling eliminating the counts or a remand that leads to their elimination produces a sentence shorter than time served plus the expected review period.

V. Extraordinary circumstances and irreparable loss of liberty require immediate interim relief.

Julian describes bail from this Court as extraordinary, especially after lower-court denial. 463 U.S. at 1309. The circumstances here are extraordinary in the relevant sense: the remaining custodial period is extremely short; all remaining custody is attributable to the challenged counts; the petition attacks a published post-GVR mandate that supplied and misattributed the dispositive factual premise; the district court's later order exposed a closed-loop foundation; later circuits have crystallized the package- and stage-specific issue; and Applicant is already serving the sentence in the community under BOP supervision.

The timing creates irreparable harm in its most literal form. A day of liberty served under a sentence later held invalid cannot be returned. The Rules ordinarily allow a respondent 30 days after docketing to file a brief in opposition, extensions may be granted, and a petition is ordinarily distributed at least 14 days after an opposition is filed. Sup. Ct. R. 15.3, 15.5, 16.1. Even prompt petition-stage consideration may consume a material portion of 188 days. If certiorari is granted, briefing and decision will extend beyond January 28, 2027.

Completion of the custodial term would not necessarily erase Article III jurisdiction because collateral consequences remain, but that is not the point. The specific liberty interest protected by this application would be gone. The Court could later correct the judgment but could not restore the months spent under home confinement while the petition was pending. Section 3143(b)(1)(B)(iv) directly accounts for the risk that a shorter lawful sentence will expire before appellate review can be completed.

Applicant acted diligently. The district court entered Dkt. 535 on October 29, 2025. The 2026 circuit decisions followed in February. Applicant moved to recall or clarify in May, supplemented the record in June, sought rehearing within seven days of the June 15 denial, and prepared the certiorari petition immediately after the July 9 rehearing denial. The application is not the product of delay; it is the response to a deadline imposed by the sentence itself.

VI. Narrow conditions can protect every legitimate governmental interest.

The Court need not choose between continued BOP custody and unconditioned freedom. Section 3143(b) directs release under § 3142(b) or (c), which authorizes the least restrictive combination of conditions reasonably necessary to assure appearance and safety. Applicant proposes the following conditions, subject to modification:

1. Applicant shall remain at his current BOP-approved home-confinement residence in San Antonio, Texas, unless Pretrial Services approves a change.
2. Applicant shall report as directed to the United States Probation and Pretrial Services Office for the Western District of Texas or another supervising authority designated by the Court.
3. Applicant shall not travel outside the Western District of Texas without advance approval, except for court appearances or medical emergencies.
4. Applicant shall surrender any passport and shall not apply for a new passport or international travel document.

5. Applicant shall have no direct or indirect contact with trial witnesses, alleged victims, or any person identified by the Government or supervising officer, except through counsel or as authorized by court order.
6. Applicant shall not possess a firearm, destructive device, or other dangerous weapon.
7. Applicant shall submit to location monitoring, curfew, or home detention if the supervising authority or Court deems such a condition necessary.
8. Applicant shall appear whenever ordered and shall immediately notify the Court and supervising authority of any change in contact information.
9. Applicant shall commit no federal, state, or local offense and shall comply with all conditions of supervised release or interim release imposed by the Court.

These conditions preserve the current community-based structure while transferring supervision from BOP home confinement to judicial release. They also answer the concerns identified in the historical detention orders with direct, enforceable safeguards. Applicant consents to immediate revocation for any violation.

RELIEF REQUESTED

Applicant respectfully requests that the Circuit Justice:

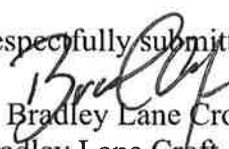
1. grant the application and order Applicant released from BOP custody pending disposition of the petition for a writ of certiorari and any proceedings on remand, subject to conditions under 18 U.S.C. § 3142(b) or (c);
2. pending a response and final disposition of this application, enter a temporary administrative stay of execution of the remaining custodial sentence and direct Applicant's release from BOP home confinement under the proposed conditions;
3. alternatively, order an expedited response and refer the application to the Court under Supreme Court Rule 22.5;

4. if current lower-court factual findings are desired, enter temporary administrative relief and remand for the limited and immediate purpose of setting conditions without allowing the remaining 188-day period to expire; and
5. grant any further relief necessary to preserve meaningful review of the challenged custodial term.

CONCLUSION

The application presents the combination expressly addressed by § 3143(b)(1)(B)(iv): a substantial certiorari question, a challenged sentencing block that supplies all remaining custody, a likely reduced term shorter than time already served, and a review period that threatens to consume the sentence before the Court can act. Applicant is already in the community, and strict conditions can protect appearance and safety. The Court should grant release or temporary administrative relief so that the certiorari petition remains a vehicle for meaningful liberty, not a postscript to time that cannot be returned.

Respectfully submitted,


/s/ Bradley Lane Croft

Bradley Lane Croft

Applicant, Pro Se

Reg. No. 91543-080

14439 NW Military Hwy, Ste. 108-105

San Antonio, Texas 78231

Telephone: (210) 884-2273

Email: info@universalk9inc.com

Dated: July 24, 2026

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APPLICATION APPENDIX

APPENDIX A

Order of the United States Court of Appeals for the Fifth Circuit denying Applicant's motion to recall, reform, or clarify the mandate, entered June 15, 2026.

United States Court of Appeals
for the Fifth Circuit

No. 21-50380
CONSOLIDATED WITH
No. 22-50659

United States Court of Appeals
Fifth Circuit

FILED

June 15, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

BRADLEY LANE CROFT,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:18-CR-603-1

UNPUBLISHED ORDER

Before GRAVES, HIGGINSON, and Ho, *Circuit Judges.*

PER CURIAM:

IT IS ORDERED that Appellant's motion to recall the mandate is
DENIED.

APPLICATION APPENDIX

APPENDIX B

Order of the United States Court of Appeals for the Fifth Circuit denying rehearing en banc, entered July 9, 2026.

United States Court of Appeals
for the Fifth Circuit

No. 21-50380
CONSOLIDATED WITH
No. 22-50659

United States Court of Appeals
Fifth Circuit

FILED

July 9, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

BRADLEY LANE CROFT,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:18-CR-603-1

ON PETITION FOR REHEARING EN BANC

Before GRAVES, HIGGINSON, and HO, *Circuit Judges.*

PER CURIAM:

Treating the petition for rehearing en banc as a petition for panel rehearing (5TH CIR. R. 40 I.O.P.), the petition for panel rehearing is DENIED. Because no member of the panel or judge in regular active service requested that the court be polled on rehearing en banc (FED. R.

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c/w No. 22-50659

APP. P.40 and 5TH CIR. R.40), the petition for rehearing en banc is
DENIED.

APPLICATION APPENDIX

APPENDIX C

United States v. Croft, 87 F.4th 644 (5th Cir. 2023).

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

December 1, 2023

Lyle W. Cayce
Clerk

No. 21-50380
Consolidated with
No. 22-50659

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

BRADLEY LANE CROFT,

Defendant—Appellant.

Appeals from the United States District Court
for the Western District of Texas
USDC No. 5:18-CR-603-1

Before GRAVES, HIGGINSON, and HO, *Circuit Judges*.

STEPHEN A. HIGGINSON, *Circuit Judge*:

In 2019, Bradley Lane Croft was convicted of four counts of aggravated identity theft under 18 U.S.C. § 1028A.¹ After this court affirmed those convictions, the Supreme Court decided *United States v. Dubin*, 599 U.S. 110,

¹ Croft was also convicted of eight counts of wire fraud, two counts of money laundering, and two counts of making false tax returns. As discussed in this opinion, these convictions are not challenged on remand.

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132 (2023), which articulated a new standard for convictions under § 1028A. Subsequently the Supreme Court granted certiorari in this case, vacated this court’s judgment, and remanded for consideration in light of *Dubin. United States v. Croft*, 143 S. Ct. 2635 (2023). Croft asks that this court vacate his convictions under § 1028A and remand this case for resentencing. During the pendency of this case, Croft also filed a pro se appeal after the district court denied his third motion for a new trial, in which he alleged newly discovered evidence that the government should have, but did not, produce under *Brady v. Maryland*, 373 U.S. 83 (1963). At the same time, he moved for release pending appeal, arguing that he was likely to prevail in his direct appeal and his pro se appeal. Because of the interrelatedness of Croft’s direct and pro se appeals, No. 21-50380 and 22-50659, we sua sponte consolidate these cases.

Having evaluated the evidence adduced at Croft’s trial under the “crux of the criminality” standard articulated in *Dubin*, we AFFIRM Croft’s four convictions under § 1028A. We further AFFIRM the district court’s denial of Appellant’s motion for a new trial, and DENY AS MOOT his motion for release pending appeal.

I.

Croft owned and operated Universal K-9, a school that primarily trained handlers and dogs for police work. Croft sought to expand the business by offering courses to veterans, who would pay tuition using G.I. Bill funds paid by the Department of Veterans Affairs (VA). However, to be eligible to receive such funds, Universal K-9 had to first obtain certification from the Texas Veterans Commission (TVC), the state agency designated by the VA to approve educational institutions and programs that sought to receive certain kinds of veterans’ educational benefits. For a program like the dog handling program, certification depended on the organization’s

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employment of dog trainers with certain qualifications, and Croft was required to attach to his application a roster listing Universal K-9's instructors and administrative staff along with instructor qualifications.

Over the course of several years, Croft submitted multiple applications to the TVC. Finally, via application of March 2016, Universal K-9 was certified by the TVC, and accepted by the VA, in June 2016. On the March 2016 application that the TVC approved, Croft listed four instructors whose duties were teaching classes and training dogs: Wes Keeling, Dustin Bragg, Jesse Stanley, and Art Underwood. The application included several certificates showing the qualifications of these four instructors.

However, at trial, Keeling, Bragg, and Stanley testified that, while they had prior involvements with Universal K-9, they had never given their permission to be named as instructors for the purposes of the TVC application, nor had they actually served as instructors for the courses listed. The fourth trainer listed on the roster, Underwood, died in March 2014, two years before Croft certified to the TVC that he would be a trainer at Universal K-9. Rufus Coburn, the Assistant Director of the TVC during the relevant timeframe, testified that Universal K-9's application would not have been approved without the names of the instructors, their qualifications, and information about the classes they would teach.

After a bench trial, Croft was convicted of eight counts of wire fraud, four counts of aggravated identity theft, two counts of money laundering, and two counts of making or subscribing a false tax return. He was sentenced to 70 months of imprisonment on the wire fraud and money laundering counts, 36 months of imprisonment on the false tax return counts, and 24 months of imprisonment on two of the aggravated identity theft counts, all to be served concurrently. Croft was sentenced to 24 months of imprisonment on each of the remaining two aggravated identity theft counts, to be served

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consecutively with each other and the above sentences, for a total of 118 months. His sentence also included supervised release, forfeiture, and restitution.

II.

This court affirmed the district court's judgment on direct appeal, determining that the evidence was sufficient to support Croft's convictions of wire fraud, aggravated identity theft, and money laundering, and rejecting challenges to the orders of forfeiture and restitution. *See United States v. Croft*, No. 21-50380, 2022 WL 1652742, at *2–6 (5th Cir. May 24, 2022) (per curiam). To do so, it relied on *United States v. Dublin*, 27 F.4th 1021, 1021-22 (5th Cir. 2022) (en banc). *See Croft*, 2022 WL 1652742, at *4. However, the Supreme Court then vacated and reversed the en banc *Dublin* decision, *Dubin v. United States*, 599 U.S. at 132, then vacated this court's judgment in Croft's appeal and remanded for further consideration in light of its *Dubin* decision. *See Croft*, 143 S. Ct. 2635.

When a case is remanded from the Supreme Court, with the “[e]xcept[ion] [of] that which we are mandated to review, our previous rulings are the law of the case and will not now be reconsidered.” *Gradskey v. United States*, 376 F.2d 993, 996 (5th Cir. 1967). Accordingly, we consider only whether Croft's four convictions for aggravated identity theft should be upheld under *Dubin*.

III.

The aggravated identity theft statute provides that “[w]hoever, during and in relation to” certain enumerated felonies, including wire fraud, “knowingly transfers, possesses, or uses, without lawful authority, a means of identification of another person shall, in addition to the punishment provided for such felony, be sentenced to a term of imprisonment of 2 years.” U.S.C. 18 § 1028A(a)(1), §1028A(c) (listing enumerated felonies). The term

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“means of identification” is defined in relevant part as “any name or number that may be used, alone or in conjunction with any other information, to identify a specific individual.” *Id.* § 1028(d)(7).

But the statute itself does not define the meaning of “during and in relation to.” In *Dubin*, the Supreme Court set out to clarify this meaning, holding that not every instance in which a person uses another person’s means of identification “during” a fraud is “in relation to” that fraud such that it constitutes aggravated identity theft. The Court held that, under § 1028A(a)(1), “[a] defendant ‘uses’ another person’s means of identification ‘in relation to’ a predicate offense when this use is at the crux of what makes the conduct criminal.” *Dubin*, 599 U.S. at 131. The Court added that, “[t]o be clear, being at the crux of the criminality requires more than a causal relationship, such as ‘facilitation’ of the offense or being a but-for cause of its ‘success.’” *Id.* (some internal quotation marks omitted). For crimes that involve fraud or deceit, “the means of identification specifically must be used in a manner that is fraudulent or deceptive. Such fraud or deceit going to identity can often be succinctly summarized as going to ‘who’ is involved.” *Id.* at 132.

In that case, the defendant overbilled Medicaid by inflating the qualifications of an employee who performed a test and claiming a higher reimbursement based on those qualifications. *Dubin*, 599 U.S. at 114. The defendant billed Medicaid as if the test had been done by a licensed psychologist, when in fact it had been done by a more junior “psychological associate.” *Id.* The fraudulent bill submitted by the defendant included a patient’s name and Medicaid reimbursement number, which are “means of identification.” *Id.* at 115. Because he misrepresented the employee’s qualifications and overbilled Medicaid, the defendant was convicted of healthcare fraud pursuant to 18 U.S.C. § 1347. *Id.* at 114. Because he used a patient’s name and Medicaid number, he was convicted of aggravated

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identity theft based on his unlawful use of a means of identification. *See Dubin*, 599 U.S. at 114-15.

The Supreme Court reversed the aggravated identity theft conviction, determining that the “means of identification” used—the patient’s name—“was not at the crux of what made the underlying overbilling fraudulent” but was merely “an ancillary feature of the billing method employed.” *Id.* Rather, “the crux of the healthcare fraud was a misrepresentation about the qualifications of [an] employee.” *Id.* The Court explained that the fraud at issue “was in misrepresenting *how* and *when* services were provided to a patient, not *who* received the services.” *Id.* The Court thus concluded that there had not been a “use [of] the patient’s means of identification in relation to a predicate offense within the meaning of § 1028A(a)(1).” *Id.*

We now turn to analyzing *Croft* within the framework articulated by the Supreme Court in *Dubin*.

IV.

On remand, Croft argues that, because neither he nor any other Universal K-9 employee falsely claimed to be one of the four individuals Croft submitted in the application, no aggravated identity theft occurred. But *Dubin* did not hold that the defendant in that case was innocent of aggravated identity theft because he did not present himself to be someone else. Rather, it held that when a predicate felony involving “fraud and deceit crimes” hinges on “*how* and *when* services were provided to a patient, not *who* received the services,” *Dubin*, 599 U.S. at 132, it cannot sustain an aggravated identity theft conviction. As the Eleventh Circuit has explained, “Section 1028A’s reach is thus limited to situations where ‘a genuine nexus’ exists between the use of a means of identification and the predicate offense.” *United States v. Gladden*, 78 F.4th 1232, 1244 (11th Cir. 2023).

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In *Dubin*, the Supreme Court identified a mismatch between the “crux” of the predicate felony—overbilling Medicaid by misrepresenting Person A’s qualifications—and the § 1028A conviction that the government argued the predicate felony supported—the incidental use of Person B’s name and Medicaid ID on the billing statement. Because the billing statement was rendered fraudulent by the misrepresentation about Person A, and not by the misrepresentation about Person B, Person B’s means of identification was not used “in relation to”—that is, central to—the predicate offense of fraud.

There is no such mismatch here. Croft’s misrepresentations about “who” was teaching courses at Universal K-9 were the basis—and “heart of”—his wire fraud convictions. *See Dubin*, 599 U.S. at 123; *see also Gladden*, 78 F.4th at 1245 (“[Defendant’s] forgery of the [victims’] identities is at the heart of the deception.”). Trial testimony established that Universal K-9’s March 2016 application to the TVC was fraudulent because it identified Keeling, Bragg, Stanley, and Underwood as qualified trainers who worked for the company and would be teaching the classes to veterans. In his letter brief to this court, Croft acknowledges that the trial court heard evidence that he identified these four men as instructors “to receive VA approval to open his dog-handler training school” but that “none of the four individuals ever reported to work.” He further acknowledges that “three of these individuals testified that they did not give Croft permission to put their names on the application,” and that the fourth individual was deceased.

Rufus Coburn of the TVC testified that the roster of instructors and their qualifications was “particularly important” to the application, and that veterans would not get G.I. Bill benefits if they took courses with unapproved instructors. Far from being “ancillary feature[s]” of Croft’s application to the TVC, the material misrepresentations that Croft made—that these four men were qualified instructors employed by Universal K-9 to teach classes to

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veterans—were the basis of his conviction for the predicate felony of wire fraud.² As is required by *Dubin*, the use of the four men’s names and information was “at the crux of what made the underlying [conduct] fraudulent.” *Dubin*, 599 U.S. at 132.

Croft presents his claim to us as one of evidentiary insufficiency, arguing that the government failed in its burden to prove with convincing force that his use of a means of identification of others was integral, not ancillary, to his wire fraud predicate offense. *See generally United States v. Cosentino*, 869 F.2d 301, 308-09 (7th Cir. 1989). We answer this evidentiary argument by affirming that the government met its “core” or “crux” burden under *Dubin*. At its core, Croft’s application to the TVC was fraudulent because of his misappropriation of the victim trainers’ means of identification. This theft was the “key mover in [his] criminality.” *Dubin*, 599 U.S. at 122-123.

V.

In the light of *Dubin*, the evidence supports the trial court’s findings that Croft used means of identification belonging to Keeling, Bragg, Stanley, and Underwood during and in relation to wire fraud. Accordingly, we AFFIRM his convictions and sentences for the four aggravated identity theft counts. This court has also considered Croft’s pro se appeal of the district court’s denial of his motion for a new trial under *Brady*, 373 U.S. 83, and we hold that the district court properly denied that motion. Finally, since this court has adjudicated both underlying appeals on the merits, and held that

² Indeed, in his written closing argument to the trial court, Croft argued that “the government must first establish that there is *Aggravated Identity Theft* in order for there to be *Wire Fraud*.”

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Croft's convictions stand, we DENY AS MOOT his motion for release pending appeal.

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JAMES C. HO, *Circuit Judge*, dubitante:

Congress has defined “aggravated identify theft” in admittedly broad terms: Anyone who “knowingly transfers, possesses, or uses, without lawful authority, a means of identification of another person” —and does so “during and in relation to” certain enumerated felonies such as Medicaid or wire fraud—is subject to a mandatory two-year term of imprisonment. 18 U.S.C. § 1028A(a)(1).

On its face, this language doesn’t just cover those acts that people would ordinarily consider “identity theft.” It also appears to include acts that we might not consider “identity theft” in the colloquial sense—but that plainly constitute theft involving the use of another person’s identity. For example, it would cover a person who is authorized to use another person’s identity to charge a certain amount—but who then abuse that authority to charge some additional, impermissible sum.

Or at least that’s what the United States—and this court—thought. In *United States v. Dubin*, 27 F.4th 1021 (5th Cir. 2022) (en banc), a majority of our en banc court adopted the position of the United States and affirmed the § 1028A(a)(1) convictions accordingly.

But that view was subsequently rejected by the Supreme Court. 599 U.S. 110 (2023). The Court dismissed the notion that § 1028A(a)(1) covers “defendants who fraudulently inflate the price of a service or good they actually provided.” *Id.* at 114. Such a reading, the Court feared, might sweep in “[a] lawyer who rounds up her hours from 2.9 to 3,” or “a waiter who serves flank steak but charges for filet mignon.” *Id.* It might encompass “[e]very contractor who has rounded up his billed time by even a few minutes,” and “[e]very bill splitter who has overcharged a friend.” *Id.* at 133 (Gorsuch, J., concurring in the judgment).

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In anticipation of these hypotheticals, the Solicitor General acknowledged that her reading would sweep in modest acts of theft. But she nevertheless maintained that hers was the correct reading of the statute. *See* U.S. Br. 21 (proposed hypotheticals present “archetypal scenarios in which a defendant ‘uses, without lawful authority, a means of identification’ in furtherance of a predicate crime”); *see also* Oral Arg. Tr. 65–66.

The Solicitor General’s views are well taken. Congress could have included a minimum loss requirement in § 1028A(a)(1). But it did not do so. Instead, Congress decided that “the small fraud is going to be punished the same way as the big fraud,” as the United States put it during oral argument. Oral Arg. Tr. 66. Congress imposed “a flat two-year penalty, regardless of the size of the fraud in a particular case.” *Id.*

That’s a judgment call for legislators to make. *Cf. Ewing v. California*, 538 U.S. 11 (2003); *Rummel v. Estelle*, 445 U.S. 263 (1980). And it’s a reasonable one for them to make. If you take only a modest item from a local CVS, you’re still a shoplifter. If you grab just a few dollars worth of quarters from a parked car, you’re still a thief. *Cf. George L. Kelling & James Q. Wilson, Broken Windows*, *THE ATLANTIC*, March 1982 (discussing social consequences when “courts do not punish petty [offenses]”).

Moreover, the purported absurdity of applying § 1028A(a)(1) to even minor economic losses proves too much. After all, no one would dispute that § 1028A(a)(1) criminalizes prototypical acts of identity theft, even when they cause only a small economic loss. A person who steals your identity just to buy a meal at McDonald’s is still subject to a flat two-year prison sentence.

The real underlying concern appears to be that § 1028A(a)(1) covers acts that just don’t look like the sort of “identity theft” that legislators thought they were targeting. Admittedly, not every theft involving the use of another person’s identity will sound like identity theft to the lay person.

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But it is the statutory text, not Congress’s subjective expectations, that is supposed to govern the interpretive process. *See, e.g., Smith v. United States*, 508 U.S. 223, 239 (1993) (“It may well be that Congress, when it drafted the language of § 924(c), had in mind a more obvious use of guns in connection with a drug crime, but the language of the statute is not so limited . . . Whether guns are used as the medium of exchange for drugs sold illegally or as a means to protect the transaction or dealers, their introduction into the scene of drug transactions dramatically heightens the danger to society.”) (quoting *United States v. Harris*, 959 F.2d 246, 262 (D.C. Cir. 1992)) (cleaned up); *Oncale v. Sundowner Offshore Services, Inc.*, 523 U.S. 75, 79 (1998) (“[M]ale-on-male sexual harassment in the workplace was assuredly not the principal evil Congress was concerned with when it enacted Title VII. But statutory prohibitions often go beyond the principal evil to cover reasonably comparable evils, and it is ultimately the provisions of our laws rather than the principal concerns of our legislators by which we are governed.”).

In any event, that’s why a majority of our court—including every member of this panel—endorsed the United States position. But that position has now been rejected by the Supreme Court. And it goes without saying that we’re duty bound to follow Supreme Court precedent, whether we agree with it or not. *See, e.g., AKHIL REED AMAR, AMERICA’S UNWRITTEN CONSTITUTION* 232 (2012).

So it doesn’t matter if I’m sympathetic with the panel majority’s decision to affirm the convictions in this case, in light of the breadth of the governing text.¹ Nor does it matter if I’m sympathetic with Justice

¹ I was a member of the panel that originally affirmed Croft’s conviction, prior to the Supreme Court’s decision in *Dubin*. *See United States v. Croft*, 2022 WL 1652742 (5th Cir.).

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Gorsuch’s concern that the test articulated in *Dubin* may present “intractable interpretive challenges of their own.” 599 U.S. at 135.

All that matters is that we faithfully interpret and apply the Supreme Court’s decision in *Dubin*. And in that spirit, I wonder if *Dubin* requires us to reverse the § 1028A(a)(1) convictions presented in this case.

Dubin holds that a person has committed aggravated identity theft under § 1028A(a)(1) only if his use of another person’s identity is “at the crux of what makes the conduct criminal”—and not if the person’s identity is merely “ancillary” to the crime. *Id.* at 131–32.

The panel majority reasonably theorizes that *Dubin* doesn’t foreclose affirmance here because Croft’s “application would not have been approved without the names of the instructors, their qualifications, and information about the classes they would teach.” *Ante*, at 3.

But it would also be reasonable to respond that the real “crux” of Croft’s fraud turned, not on any person’s name, but rather on their qualifications to teach.

In *Dubin* itself, for example, the Court concluded that the crux of the fraud was the qualifications of the defendant’s employee—not the name of the consumer. The defendant’s “use of the patient’s *name* was not at the crux of what made the underlying overbilling fraudulent. The crux of the healthcare fraud was a misrepresentation about the *qualifications* of [the defendant’s] employee. The patient’s *name* was an ancillary feature of the billing method employed.” *Dubin*, 599 U.S. at 132 (emphasis added).

Put simply, the “fraud was in misrepresenting *how* and *when* services were provided . . . , not *who* received the services.” *Id.*

So how do the principles articulated in *Dubin* cut in this appeal? Was the crux of the fraud here the *names* of the defendant’s employees—or their

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qualifications? Was the crux of Croft’s fraud “*who* received the services” — or who delivered them? Or was it “*how* . . . services were provided”?

Be that as it may, a majority of the panel has decided to affirm, and they do so in a typically thoughtful opinion. I respect the decision of my distinguished colleagues, even if I am personally not so sure that affirmance can be reconciled with *Dubin*. If nothing else, this case may help illustrate Justice Gorsuch’s observation that the new test announced by the Supreme Court in *Dubin* could prove difficult to administer in practice.

APPLICATION APPENDIX

APPENDIX D

BOP inmate-locator record showing RRM San Antonio placement and projected release date of January 28, 2027.

1 result found.

1 **Name:** BRADLEY LANE CROFT
Register Number: 91543-080
Age: 54
Race: White
Sex: Male
Release Date: 01/28/2027
Located At: RRM San Antonio

↩ New Search

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

August 14, 2026

Scott S. Harris, Clerk
Supreme Court of the United States
1 First Street, N.E.
Washington, DC 20543

RE: Croft v. United States, No. 26-5291

Dear Mr. Harris:

Enclosed please find my *Emergency Application for Release on Bail Pending Disposition of Petition for a Writ of Certiorari and Request for Temporary Administrative Relief*, together with its appendix.

I respectfully request that the Clerk docket and file this bail application in *Croft v. United States*, No. 26-5291. My prior submission was returned because it referenced No. 23-6895, in which certiorari had already been denied. No. 26-5291 is the currently pending petition for a writ of certiorari to which this application relates.

Please file the enclosed application and appendix in Case No. 26-5291. Thank you for your assistance.

Respectfully submitted,



Bradley Lane Croft
Applicant, Pro Se
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