No. 26A364

IN THE
SUPREME COURT OF THE UNITED STATES

JAMAR SCOTT - PETITIONER
VS.
UNITED STATES - RESPONDENT

To the Honorable Justice Amy Coney Barrett

APPLICATION FOR RELEASE PENDING TRIAL

Applicant respectfully requests that the Circuit Justice vacate the detention order entered by the district court and once vacated then affirmed by the United States Court of Appeals for the Seventh Circuit, or alternatively remand the matter with instructions that a new detention hearing be conducted in accordance with the Bail Reform Act, 18 U.S.C. §§ 3142 and 3145.

QUESTIONS PRESENTED

1. Whether the Government failed to satisfy the threshold requirements of 18 U.S.C. § 3142(f) necessary to authorize a detention hearing.

2. Whether the magistrate judge violated 18 U.S.C. § 3142(f) by continuing the detention hearing sua sponta, without a request from either party.

3. Whether the district court denied Applicant meaningful review by allowing a motion under 18 U.S.C. § 3145(b) to remain pending for approximately three months before ruling.

4. Whether the finding that Applicant presented a serious risk of flight was clearly erroneous because it relied upon materially false and misleading information while disregarding Applicant's lack of criminal history, lack of arrest history, and nonviolent nature of the charged offense.

5. Whether the district court erred by affirming detention based upon findings

that were never addressed by the magistrate judge.

STATEMENT OF THE CASE

Applicant is charged in a federal indictment alleging five counts of Bank Fraud under §1344(2), conspiracy to commit Bank Fraud under §1349, conspiracy to commit aggravated identity theft under §371, and four counts of aiding and abetting aggravated identity theft under §2 and 1028A arising from conduct attributed primarily to a co-defendant. Applicant has no criminal convictions, no arrest history, and no history of violence, or substance abuse.

During Applicant's initial appearance, the government sought detention stating the Applicant was a risk of flight because of a mandatory consecutive 24 month sentence for conspiracy to commit aggravated identity theft. The magistrate judge continued the hearing without any request from either the government or the defense. The magistrate judge ultimately ordered detention.

Applicant sought review under 18

U.S.C. § 3145(b). The district court allowed the motion to remain pending for approximately three months before ruling. The Applicant filed a petition for Writ of Mandamus in the Court of Appeals for the Seventh Circuit. When it ultimately denied relief, the district court relied upon factual assertions and reasoning that differed materially from those relied upon by the mgistrate judge.

The Court of Appeals for the Seventh Circuit vacated the detention order and remanded to the district court to consider conditions of release in the first instance. Applicant filed a motion for release on conditions in the district court following the remand. After several weeks of no action by the district court, the Applicant filed a second petition for Writ of Mandamus in the Court of Appeals for the Seventh Circuit. The district court denied the motion for release.

The Court of Appeals for the Seventh Circuit subsequently denied Applicant's additional request for relief.

Applicant now seeks relief from the Circuit Justice pursuant to Supreme Court Rule 22.

ARGUMENT

I. The Government Failed to Establish a Statutory Basis for a Dentention Hearing.

Congress carefully limited the circumstances under which a detention hearing may be conducted. Under 18 U.S.C. § 3142(f), a detention hearing is authorized only if one of the statute's enumerated triggering conditions exist.

The government's only basis for seeking detention at the initial appearance was Applicant faces a 2 year sentence for conspiracy to commit aggravated identity theft which was clearly erroneous. see *Dubin v. United States*, 143 S.Ct. 1557 (2023).

Applicant maintains that none of the statutory predicates existed because the government failed to satisfy its threshold burden, the court lacked authority to conduct a detention hearing or order detention.

II. The Detention Hearing Was Conducted Contrary to the Requirements of § 3142(f).

Section 3142(f) establishes strict timing requirements governing detention hearings and narrowly limits continuances. Here, neither party requested a continuance. Nevertheless, the magistrate judge continued the hearing on the court's own initiative on three seperate occasions, and each occasion a temporary order of detention was entered stating the continuance was at the request of the defendant which was clear err.

Applicant submits that this procedure conflicted with the statutory framework enacted by Congress and resulted in unnecessary pretrial detention.

III. The District Court Failed to Provide Prompt Review.

Congress intended review under §3145(b) to occur promptly. Applicant filed the motion for review of the detention order on July 20, the government was never ordered to respond. The Applicant filed a petition for Writ of Mandamus in the Seventh Circuit October 8, the district court entered an order denying release October 20.

Applicant's motion remained pending for

approximately three months before the district court ruled. Such delay substantially impaired Applicant's statutory right to meaningful review and resulted in prolonged detention before trial.

IV. The Finding that Applicant Was a Flight Risk is Unsupported by the Record.

The detention order rests upon inaccurate and misleading information. It includes that Applicant was "found in possession of a large amount of cash" which is not supported by the record. Applicant has no criminal convictions, has never been arrested, and is charged with nonviolent offenses. The indictment does not allege that Applicant committed violence or threatened any witness.

The government's theory solely concerns fraudulent conduct allegedly committed by a co-defendant. The record therefore does not support the conclusion that no combination of release conditions could reasonably assure Applicant's appearance.

V. The District Court Relied Upon New Grounds Not Adopted by the Magistrate.

Rather than reviewing the detention order based upon the findings actually made by the magistrate judge, the district court affirmed detention using factual assertions and reasoning that were not relied upon. The district court relied on a sealed motion by the government claiming to have found pictures in Applicant's phone after arrest, of a fraudulent passport never addressed at any hearing. After recent review, the pictures are in fact of Applicant's legitimate passport.

Applicant was therefore deprived of meaningful review of the detention decision entered.

IRREPARBLE HARM

Applicant has been detained and Seperated from his family for more than 21 months, in a facility that doesn't allow contact or non contact visits. Every additional day of unlawful pretrial detention constitutes irreparable harm. Liberty interest protected by the Bail Reform Act and the Due Process Clause cannot be restored after the fact.

CONCLUSION

For these reasons, Applicant respectfully requests that the Circuit Justice:

1. Vacate the detention order;
2. Order Applicant released subject to 18 U.S.C. § 3142(b) or appropriate conditions under § 3142(c); or alternatively,
3. Remand this matter with instructions that a new detention hearing be conducted in compliance with the Bail Reform Act at a time an date as soon as practically possible.

Respectfully submitted,

Jamar Scott - Applicant
98707
Livingston County Jail
844 W. Lincoln St.
Pontiac, IL 61764

Pro Se
8-13-26

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen
United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604

Office of the Clerk
Phone: (312) 435-5850
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ORDER

August 3, 2026

Before
DAVID F. HAMILTON, *Circuit Judge*
DORIS L. PRYOR, *Circuit Judge*
JOSHUA P. KOLAR, *Circuit Judge*

No. 26-2174	UNITED STATES OF AMERICA, Plaintiff - Appellee v. JAMAR SCOTT, Defendant - Appellant
Originating Case Information:	
District Court No: 3:23-cr-30067-CRL-2 Central District of Illinois District Judge Colleen R. Lawless	

Upon consideration of the **MEMORANDUM IN SUPPORT OF MOTION TO VACATE DETENTION ORDER**, filed on July 28, 2026, by counsel for the appellant,

IT IS ORDERED that the motion for release is **DENIED**. *See* Fed. R. App. P. 9(a); 18 U.S.C. § 3145. Because this is an appeal from a pretrial detention order, this order resolves the appeal. *See* Fed. R. App. P. 9(a); Cir. R. 9(a).

UNITED STATES DISTRICT COURT

for the

Central District of Illinois

United States of America	)	
v.	)	
JAMAR SCOTT	)	Case No. 23-30067-CRL-KLM
	)	
Defendant	)	

ORDER OF DETENTION PENDING TRIAL

Part I - Eligibility for Detention

Upon the

☐ Motion of the Government attorney pursuant to 18 U.S.C. § 3142(f)(1), or
☑ Motion of the Government or Court's own motion pursuant to 18 U.S.C. § 3142(f)(2),

the Court held a detention hearing and found that detention is warranted. This order sets forth the Court's findings of fact and conclusions of law, as required by 18 U.S.C. § 3142(i), in addition to any other findings made at the hearing.

Part II - Findings of Fact and Law as to Presumptions under § 3142(e)

☐ **A. Rebuttable Presumption Arises Under 18 U.S.C. § 3142(e)(2)** *(previous violator)*: There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of any other person and the community because the following conditions have been met:

☐ **(1)** the defendant is charged with one of the following crimes described in 18 U.S.C. § 3142(f)(1):

☐ **(a)** a crime of violence, a violation of 18 U.S.C. § 1591, or an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed; **or**

☐ **(b)** an offense for which the maximum sentence is life imprisonment or death; **or**

☐ **(c)** an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508); **or**

☐ **(d)** any felony if such person has been convicted of two or more offenses described in subparagraphs (a) through (c) of this paragraph, or two or more State or local offenses that would have been offenses described in subparagraphs (a) through (c) of this paragraph if a circumstance giving rise to Federal jurisdiction had existed, or a combination of such offenses; **or**

☐ **(e)** any felony that is not otherwise a crime of violence but involves: **(i)** a minor victim; **(ii)** the possession of a firearm or destructive device (as defined in 18 U.S.C. § 921); **(iii)** any other dangerous weapon; or **(iv)** a failure to register under 18 U.S.C. § 2250; ***and***

☐ **(2)** the defendant has previously been convicted of a Federal offense that is described in 18 U.S.C. § 3142(f)(1), or of a State or local offense that would have been such an offense if a circumstance giving rise to Federal jurisdiction had existed; ***and***

☐ **(3)** the offense described in paragraph (2) above for which the defendant has been convicted was committed while the defendant was on release pending trial for a Federal, State, or local offense; ***and***

☐ **(4)** a period of not more than five years has elapsed since the date of conviction, or the release of the defendant from imprisonment, for the offense described in paragraph (2) above, whichever is later.

AO 472 (Rev. 11/16) Order of Detention Pending Trial

☐ **B. Rebuttable Presumption Arises Under 18 U.S.C. § 3142(e)(3)** *(narcotics, firearm, other offenses)*: There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because there is probable cause to believe that the defendant committed one or more of the following offenses:

- ☐ **(1)** an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508);
- ☐ **(2)** an offense under 18 U.S.C. §§ 924(c), 956(a), or 2332b;
- ☐ **(3)** an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed;
- ☐ **(4)** an offense under Chapter 77 of Title 18, U.S.C. (18 U.S.C. §§ 1581-1597) for which a maximum term of imprisonment of 20 years or more is prescribed; **or**
- ☐ **(5)** an offense involving a minor victim under 18 U.S.C. §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425.

☐ **C. Conclusions Regarding Applicability of Any Presumption Established Above**

☐ The defendant has not introduced sufficient evidence to rebut the presumption above, and detention is ordered on that basis. *(Part III need not be completed.)*

OR

☐ The defendant has presented evidence sufficient to rebut the presumption, but after considering the presumption and the other factors discussed below, detention is warranted.

Part III - Analysis and Statement of the Reasons for Detention

After considering the factors set forth in 18 U.S.C. § 3142(g) and the information presented at the detention hearing, the Court concludes that the defendant must be detained pending trial because the Government has proven:

☐ By clear and convincing evidence that no condition or combination of conditions of release will reasonably assure the safety of any other person and the community.

☑ By a preponderance of evidence that no condition or combination of conditions of release will reasonably assure

the defendant's appearance as required. Additionally, a serious risk exists that defendant will obstruct or attempt to obstruct justice, based upon his conduct while detained pending the detention hearing.

In addition to any findings made on the record at the hearing, the reasons for detention include the following:

- ☑ Weight of evidence against the defendant is strong
- ☐ Subject to lengthy period of incarceration if convicted
- ☐ Prior criminal history
- ☐ Participation in criminal activity while on probation, parole, or supervision
- ☐ History of violence or use of weapons
- ☐ History of alcohol or substance abuse
- ☐ Lack of stable employment
- ☐ Lack of stable residence
- ☐ Lack of financially responsible sureties

AO 472 (Rev. 11/16) Order of Detention Pending Trial

- ☑ Lack of significant community or family ties to this district
- ☐ Significant family or other ties outside the United States
- ☐ Lack of legal status in the United States
- ☐ Subject to removal or deportation after serving any period of incarceration
- ☐ Prior failure to appear in court as ordered
- ☐ Prior attempt(s) to evade law enforcement
- ☑ Use of alias(es) or false documents
- ☐ Background information unknown or unverified
- ☐ Prior violations of probation, parole, or supervised release

OTHER REASONS OR FURTHER EXPLANATION:

After the Government advised defendant in open court on 10/25/2024 that a warrant was to issue for electronic devices and that defendant was not to directly or indirectly obstruct or attempt to obstruct law enforcement in obtaining evidence from those devices, defendant made requests to mother and girlfriend to remove the SIM card in one of the devices. Additionally, in a telephone call from the jail where defendant was being held, defendant explained to his mother how to remove the SIM card.

Defendant was found in possession of a large amount of cash and other information belonging to victims. Defendant has demonstrated the ability to obtain personal identifying and financial information of victims for a lengthy period of time in combination with others. Although defendant may not be causing physical damage to his victims by the actions in which he has allegedly engaged, he can cause damage to credit scores and can cause financial hardship on victims.

Defendant is a flight risk, given the potential length of incarceration and his ability to assume the identity of others.

Part IV - Directions Regarding Detention

The defendant is remanded to the custody of the Attorney General or to the Attorney General's designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant must be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

Date 11/05/2024 /s Karen L. McNaught
United States Magistrate Judge

E-FILED
Monday, 20 October, 2025 03:43:10 PM
Clerk, U.S. District Court, ILCD

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

UNITED STATES OF AMERICA, **Plaintiff,**	)	
v.	)	**Case No. 23-CR-30067**
JAMAR SCOTT **Defendant.**	)	

ORDER

COLLEEN R. LAWLESS, United States District Judge:

Before the Court is Defendant Jamar Scott's Motion to Review Magistrate's Detention Order. (Doc. 132).

I. BACKGROUND

Scott is charged with bank fraud, conspiracy to commit bank fraud, conspiracy to commit aggravated identity theft, and aiding and abetting aggravated identity theft. (Doc. 87). After several continuances, the Magistrate Judge held a detention hearing and ordered Scott detained, finding the factors in 18 U.S.C. § 3142(g) favor detention and that no condition or combination of conditions of release would reasonably assure his appearance. (November 1, 2024 Minute Entry; Doc. 81). The Magistrate Judge also found a serious risk existed that Scott would obstruct or attempt to obstruct justice if he were released based on his conduct while detained. Scott later asked the Court to reopen his detention hearing under 18 U.S.C. § 3142 (f)(2). (Doc. 101). The motion was denied, and Scott now seeks review of the Magistrate Judge's detention order 18 U.S.C. § 3145(b).

II. DISCUSSION

A. Legal Standard

Under the Bail Reform Act of 1984, a defendant may be detained in custody pending trial if the court finds "no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community." 18 U.S.C. § 3142(e)(1). A finding of either flight risk or danger to the community is sufficient to detain a defendant before trial; a court need not find both to justify detention. *United States v. Daniels*, 772 F.2d 382, 383 (7th Cir. 1985). The government must prove risk of flight by a preponderance of the evidence and must prove danger to any person or the community by clear and convincing evidence. 18 U.S.C. § 3142(f); *United States v. Portes*, 786 F.2d 758, 765 (7th Cir. 1985).

To determine whether there are conditions of release which will reasonably assure the appearance of the defendant or the safety of any other person and the community, the court considers the factors in Section 3142(g):

> (1) the nature and circumstances of the offense charged, including whether the offense is a crime of violence, a violation of Section 1591, a Federal crime of terrorism, or involves a minor victim or a controlled substance, firearm, explosive, or destructive device;
>
> (2) the weight of the evidence against the person;
>
> (3) the history and characteristics of the person, including—
>
>> (A) the person's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings; and

hearing so flawed" as to invalidate it, the procedural issues Scott raises here did not make his detention hearing "so flawed" as to warrant his release. *Id.* at 717.

(2) Scott's Detention Hearing

Scott next argues the Government did not meet its burden at his November 1, 2024 detention hearing. As discussed above, detention must be ordered if the Court finds Scott is a flight risk or a danger to the community. This Court finds that the Government did not sufficiently prove Scott was a danger to the community.[1] The Court considers the factors in Section 3142(g) to determine whether detention is warranted.

The nature and circumstances of the offenses charged weigh in favor of detention. Scott is charged with identity theft, which shows he has the ability and wherewithal to create fraudulent identity documents that could facilitate flight. *See United States v. Spears*, No. 2:10-CR-55, 2010 WL 2427439, at *4 (N.D. Ind. June 4, 2010) (finding an identity theft charge indicates a defendant may be a flight risk). In fact, proffered evidence shows Scott had a fraudulent license and passport bearing his picture. (Doc. 76). Scott was also found in possession of a fraudulent credit card. (*Id.*). In *Portes*, the Court upheld detention when the district court found a defendant to be a flight risk after considering the availability of phony identification and large amounts of cash. *Portes*, 786 F.2d at 765. Therefore, Scott's fraudulent identity documents and significant sums of cash further favor detention.

[1] The Detention Order states that the Government had not shown by clear and convincing evidence that no condition or combination of conditions of release would reasonably assure the safety of any other person and the community. (Doc. 81 at 2). But, during the detention hearing, the Magistrate Judge found the safety risk Scott posed to be a grounds for detention. (November 1, 2024 Recording).

The weight of the evidence against Scott, which even he concedes is substantial, also favors detention. (Doc. 132 at 14; October 23, 2024 Recording). The Government provided a lengthy proffer detailing the evidence against Scott and his motion does not contest this evidence.

Scott's history and characteristics weigh against detention in some respects. For example, Scott has no history of substance abuse, no criminal history, and no mental or physical conditions that would make him a flight risk. However, Scott's "past conduct" strongly favors detention. *See* 18 U.S.C. § 3142(g)(3)(A). Specifically, after Scott learned his phone was to be searched and was warned not to delete any materials from it, Scott called his mother from jail and instructed her to remove his phone's SIM card. (November 1, 2024 Recording). He later called his girlfriend seeking confirmation that the SIM card had been removed. (*Id.*). These calls were efforts to obstruct justice and occurred after the Government specifically admonished Scott not to engage in such conduct. Scott's willingness to disregard Court directives since his arrest indicates he poses a risk of doing so in the future and may not appear as required.[2] Scott suggests the Court should not consider his phone calls from jail because they happened after his initial appearance,

[2] The Magistrate Judge found Scott's risk to obstruct justice to be an independent basis for detention. The Seventh Circuit does not appear to have addressed this question, but other circuits have indicated that the threat of obstruction of justice alone can justify detention. *See United States v. Himler*, 797 F.2d 156, 160 (3d Cir. 1986) ("[I]t is reasonable to interpret the [Bail Reform Act] as authorizing detention only upon proof of a likelihood of flight, a threatened obstruction of justice or a danger of recidivism in one or more of the crimes actually specified by the bail statute."); *United States v. Acevedo-Ramos*, 755 F.2d 203, 206 (1st Cir. 1985) ("[W]here the court finds that a defendant's release creates an unusual risk of obstruction of justice, the Constitution and relevant statutes permit detention."). Regardless of whether Scott's efforts to obstruct justice are an independent basis to detain him or only a factor supporting the Court's determination that he is a flight risk, detention is justified.

which he argues was erroneously continued. But Scott does not cite any authority requiring the Court to disregard evidence of events occurring after an erroneous continuance. Based on the foregoing, the Court finds by a preponderance of evidence that there are no conditions or combination of conditions of release that will reasonably assure Scott's appearance as required and there was a serious risk that the defendant would obstruct or attempt to obstruct justice if released.

III. CONCLUSION

Accordingly, Defendant's Motion to Review Magistrate's Detention Order is DENIED. (Doc. 132).

DATE: 10/20/2025

COLLEEN R. LAWLESS
UNITED STATES DISTRICT JUDGE

No. ______________

IN THE
SUPREME COURT OF THE UNITED STATES

JAMAR SCOTT - PETITIONER
VS.

UNITED STATES - RESPONDENT

PROFF OF SERVICE

I, Jamar Scott, do swear or declare that on this date, September 3, 2026, as required by Supreme Court Rule 29 I have served the enclosed APPLICATION FOR RELEASE on each to the above proceeding or that party's counsel, be depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier.

- D. John Sauer, Solicitor General
United States Department of Justice
950 Pennsylvania Ave, NW Washington, DC 20530

I declare under penalty of perjury that the foregoing is true and correct. 9/3/26

Jamar Scott