

October 6, 2026

Honorable Scott S. Harris
Clerk of the Court
Supreme Court of the United States
Washington, D.C. 20543

Re: *Wagner v. United States*, No. 26-391; Application No. 26A446

Dear Mr. Harris:

I write to advise the Court of recent developments regarding the above-captioned case.

The petition and stay application both noted that Wagner's trial was scheduled for November 3, 2026. Pet. 35; Stay Appl. 4-5. The papers also noted that the parties had jointly moved for an extension of that deadline. Pet. 35; Stay Appl. 5. The district court has now granted that motion. *United States v. Wagner*, No. 2:26-cr-20059-DPH-APP (E.D. Mich. Sept. 30, 2026), Dkt. No. 44. The trial is now scheduled to begin on January 12, 2027. *Id.* at 5.

The petition also noted that Wagner had been indicted in a different case. Pet. 12 n.1. In addition to the charges in the case from which Wagner seeks certiorari, the United States has charged Wagner in the District of Minnesota based on alleged actions relating to his participation in protests against federal immigration enforcement. *Id.* The United States District Court for the District of Minnesota had initially ordered Wagner detained in that case. *Id.*; see also Stay Appl. App. 6a (Sixth Circuit declining to grant stay application in part because the Minnesota proceedings bear on "the Government's potential arguments for detention"). However, the District of Minnesota has now ordered that Wagner should be released in that case. *United States v. Wagner*, No. 0:26-cr-00115-007, ECF No. 283, at 6 (D. Minn. Oct. 2, 2026).

Thus, Wagner remains in pretrial detention based solely on the Sixth Circuit's reversal of the United States District Court for the Eastern District of Michigan's release order.

Respectfully submitted,
/s/ Jo-Ann Tamila Sagar
Jo-Ann Tamila Sagar

Counsel for Petitioner Kyle Wagner

cc: D. John Sauer, Solicitor General, U.S. Dep't of Justice