

## 24-1063 HUNTER V. UNITED STATES

DECISION BELOW: 2025 WL 5003582

LOWER COURT CASE NUMBER: 24-20211

### QUESTION PRESENTED:

This Court has recognized that "no appeal waiver serves as an absolute bar to all appellate claims." *Garza v. Idaho*, 586 U.S. 232, 238 (2019). But the Court has "ma[de] no statement ... on what particular exceptions [to appeal waivers] may be required." *Id.* at 238-39 & n.6.

In the decision below, the Fifth Circuit reaffirmed its precedent, holding that there are only two grounds on which defendants who sign general appeal waivers may challenge their sentence on appeal: (1) claims of ineffective assistance of counsel, and (2) claims that the sentence exceeds the statutory maximum. The Sixth, Tenth, and Eleventh Circuits adopt a similarly narrow view of the exceptions to general appeal waivers. In stark conflict, the First, Second, Fourth, and Ninth Circuits permit defendants who sign general appeal waivers to raise a broad range of constitutional challenges to their sentences beyond the limited exceptions recognized by the Fifth Circuit and the other courts on its side of the circuit split.

The Fifth Circuit below also reaffirmed its precedent holding that an appeal waiver applies even when the sentencing judge advises the defendant that he has a right to appeal and the government does not object to that advice. Although other circuits agree with the Fifth Circuit, the Ninth Circuit squarely holds otherwise, releasing defendants from appeal waivers in identical circumstances.

The questions presented are:

1. Whether the only permissible exceptions to a general appeal waiver are for claims of ineffective assistance of counsel or that the sentence exceeds the statutory maximum.
2. Whether an appeal waiver applies when the sentencing judge advises the defendant that he has a right to appeal and the government does not object.

CERT. GRANTED 10/10/2025