



Hobson v. United States, No. 26-5216: Fifth Circuit Appeal-Waiver Dismissal Sent Back in Light of Hunter v. United States

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On October 13, 2026 the Supreme Court granted, vacated and remanded Brian Hobson's case to the Fifth Circuit in light of *Hunter v. United States* (2026), which held that some appeal waivers in plea deals cannot be enforced.

On October 13, 2026, the Court granted Brian Hobson's motion to proceed in forma pauperis and his petition, vacated the judgment and remanded to the Fifth Circuit "for further consideration in light of *Hunter v. United States*, 608 U. S. 713 (2026)" (Supreme Court Order List, Oct. 13, 2026, pp. 1-2).

This paper uses only the Court's dockets, orders and the official filings and opinions named under Sources. Each fact is cited. Legal terms are explained in plain words at the bottom of the page.

Who the parties are

- Petitioner: Brian Hobson, represented by Tom Lee Stingley (docket No. 26-5216).
- Respondent: the United States (same docket).

What happened in the lower courts

- The Fifth Circuit dismissed Hobson's appeal on May 5, 2026 (No. 25-60570) because of the appeal waiver in his plea agreement (docket No. 26-5216; Petition, Question Presented).

The question the Court is deciding

"Whether the Fifth Circuit erred by dismissing Mr. Hobson's appeal based on the waiver of appeal provision in his Plea Agreement." (Petition, No. 26-5216.)

Case timeline

- May 5, 2026: Fifth Circuit dismisses appeal.
- July 29, 2026: Petition filed.
- Sept. 2, 2026: U.S. memorandum.
- Oct. 13, 2026: Granted, vacated and remanded.

What's at stake (in the official documents' own words)

- The United States' memorandum quotes Hunter: a defendant's "agreement not to appeal a sentence is unenforceable when it would result in a miscarriage of justice -meaning, when it would leave in place the kind of egregious error that would bring the judicial system into disrepute" (U.S. Memorandum, No. 26-5216).

What happens next, and when

The Fifth Circuit will decide whether enforcing the waiver would be a miscarriage of justice under Hunter ({{OL}}; Petition).

What these terms mean

- GVR (grant, vacate and remand) (say it: *jee-vee-AR*). Means: In a single order, the Court takes the case, cancels the lower court's judgment and sends the case back so the lower court can decide it again in light of a newer Supreme Court decision. Origin and history: Lawyers use the shorthand in their filings. The Roofing Designs petition asked for "a GVR," and the opposing brief argued against a "grant-vacate-remand." *Source: Petition, No. 25-1367 (June 4, 2026); Brief in Opposition, No. 25-1367 (Sept. 8, 2026); Supreme Court Order List, Oct. 13, 2026.*
- Vacated and remanded (say it: *VAY-kay-tid and ree-MAN-did*). Means: "Vacated" means the lower court's judgment is canceled and no longer in force. "Remanded" means the case goes back to the lower court for further proceedings. Origin and history: A remand is the act of an appellate court sending a case back to a lower court for further proceedings. *Source: uscourts.gov Glossary, "Remand"; Supreme Court Order List, Oct. 13, 2026 ("The judgment is vacated, and the case is remanded").*
- In forma pauperis (say it: *in FOR-muh PAW-per-iss*). Means: Permission to file a case without paying the court's fees, because the person cannot afford them. Origin and history: Latin for "in the manner of a pauper." *Source: uscourts.gov Glossary of Legal Terms, "In forma pauperis."*
- Docket (say it: *DOK-it*). Means: The court's running log of a case, with a short dated entry for every filing and order. Origin and history: Each Supreme Court case gets a docket number, such as No. 25-1103. *Source: uscourts.gov Glossary of Legal Terms, "Docket."*

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- [Beaird v. United States](/papers/scotus-case-beaird-v-united-states-25-5343)
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- [Howard v. Texas / In re Howard](/papers/scotus-case-jamaal-howard-texas-26-5759-26-5773-26-5754)
- [Roofing Designs v. Royal American](/papers/scotus-case-roofing-designs-v-royal-american-25-1367-gvr)
- [Silva Ochoa v. United States](/papers/scotus-case-silva-ochoa-v-united-states-25-7569-gvr)
- [Monsanto v. Dennis](/papers/scotus-case-monsanto-v-dennis-26-139-roundup-gvr)
- [Order list, Oct. 13, 2026](/papers/scotus-order-list-oct-13-2026-three-cases-granted)
- [Chief Justice stays the Fourth Circuit in FCC v. Brown](/papers/scotus-chief-justice-stays-fourth-circuit-fcc-v-brown-26a476)
- [Arguments this week and the November calendar](/papers/scotus-arguments-oct-13-14-beaird-salazar-november-calendar)
- [Howard stay denials, Oct. 7](/papers/scotus-denies-stay-jamaal-howard-texas-oct-7)

Sources

- Supreme Court Order List, Oct. 13, 2026.
- Supreme Court docket No. 26-5216.
- Petition (July 29, 2026) and Memorandum for the United States (Sept. 2, 2026), No. 26-5216.

Notes

- Image: Chambers of the U.S. Supreme Court, Washington, D.C. (file photo). Photo: Carol M. Highsmith, Library of Congress (public domain).
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