



Silva Ochoa v. United States, No. 25-7569: Appeal-Waiver Case Sent Back to the Eleventh Circuit in Light of Hunter v. United States

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On October 13, 2026 the Supreme Court granted, vacated and remanded Pedro Jose Silva Ochoa's case to the Eleventh Circuit, which had dismissed his sentencing appeal under an appeal waiver, for reconsideration in light of *Hunter v. United States* (2026).

On October 13, 2026, the Court granted Pedro Jose Silva Ochoa's motion to proceed in forma pauperis and his petition, vacated the judgment and remanded to the Eleventh Circuit "for further consideration in light of *Hunter v. United States*, 608 U. S. 713 (2026)" (Supreme Court Order List, Oct. 13, 2026, p. 1).

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: Pedro Jose Silva Ochoa, represented by Benedict P. Kuehne (docket No. 25-7569).
- Respondent: the United States (same docket).

What happened in the lower courts

- The U.S. District Court for the Southern District of Florida entered judgment on May 22, 2025 (No. 23-Cr-20173). The Eleventh Circuit dismissed his appeal on February 23, 2026 "based on appeal waiver" (Petition, Statement of Related Cases).

The question the Court is deciding

"1. Whether a defendant's challenge to a sentence exceeding the guideline range advocated by the defense at sentencing survived an appeal waiver ... 2. Whether an appeal waiver applies when the sentencing judge advises the defendant of the right to appeal without a government objection." (Petition, No. 25-7569, Questions Presented.)

Case timeline

- May 22, 2025: Sentence entered.
- Feb. 23, 2026: Eleventh Circuit dismisses appeal.
- May 26, 2026: Petition filed.
- Sept. 2, 2026: Brief for the United States.
- Oct. 13, 2026: Granted, vacated and remanded.

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

- The government's memorandum in a companion case quotes Hunter: an "agreement not to appeal a sentence is unenforceable when it would result in a miscarriage of justice" (U.S. Memorandum, No. 26-5216, quoting *Hunter v. United States*).

What happens next, and when

The Eleventh Circuit will reconsider the case ([OL](#)).

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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- [U.S. DOGE Service v. U.S. District Court for D.C.](/papers/scotus-case-us-doge-service-v-district-court-25-1103)
- [Blanche v. Ozurumba](/papers/scotus-case-blanche-v-ozurumba-25-1343)
- [Berry v. United States](/papers/scotus-case-berry-v-united-states-25-7026)
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- [Beaird v. United States](/papers/scotus-case-beaird-v-united-states-25-5343)
- [Salazar v. Paramount Global](/papers/scotus-case-salazar-v-paramount-global-25-459-video-privacy)
- [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)
- [Monsanto v. Dennis](/papers/scotus-case-monsanto-v-dennis-26-139-roundup-gvr)
- [Hobson v. United States](/papers/scotus-case-hobson-v-united-states-26-5216-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. 25-7569.
- Amended Petition, No. 25-7569 (June 2, 2026).
- Memorandum for the United States, No. 26-5216 (Sept. 2, 2026).

Notes

- Image: The U.S. Supreme Court Building, with the Washington Monument behind it, seen from the Library of Congress (file photo). Photo: Packer1028 via Wikimedia Commons (CC0 public domain dedication).
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