PUBLISHED FOURTH CIRCUIT CRIMINAL DECISIONS

April 1, 2026, through October 28, 2026

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Each entry lists the case, F.4th citation (or Westlaw citation where no reporter citation is yet available), decision date, and authoring judge, followed by a summary of 75 words or less. Entries marked with an exclamation point (!) contain defense-favorable holdings. Federal habeas, § 2255, § 3582, and coram nobis decisions are included; civil cases are omitted except for two related matters listed at the end.

Authors and holdings were taken from the opinions on CourtListener where available, and otherwise from the Fourth Circuit's website, the UNC School of Government's monthly Fourth Circuit summaries, Virginia Lawyers Weekly, the Maryland Daily Record, and Justia. Citations have been confirmed against Westlaw.

APRIL 2026

United States v. Castellano, 172 F.4th 295 (4th Cir. Apr. 6, 2026) **(Diaz, C.J.)**

(E.D. Va.) Affirmed a special supervised-release condition barring a CSAM offender from possessing legal pornography. In Castellano I (2023) the court reversed the same condition for lack of individualized evidence. This time the government submitted the treatment provider's written assessment and testimony at the revocation hearing, so the condition was reasonably related to the goals of supervision and did not conflict with the earlier decision.

United States v. Lawrence, 173 F.4th 79 (4th Cir. Apr. 14, 2026) **(Richardson, J.)**

(E.D. Va.) Affirmed eleven wire- and mail-fraud convictions of a paycard-business owner who defrauded a restaurant company, its employees, and the federal government. Rejected a sufficiency challenge on fraudulent intent, the argument that the two schemes should have been tried separately, and a sentencing-enhancement challenge.

! *United States v. Naeem Jones*, 173 F.4th 87 (4th Cir. Apr. 14, 2026) **(Niemeyer, J.)**

(M.D.N.C.) Vacated a revocation sentence. Violating a drug-testing condition by testing positive is a Grade C violation, not Grade B, so the policy-statement range was miscalculated. The court also noted the revocation sentence appeared to exceed the limit in 18 U.S.C. § 3583(h) and directed the district court to address that on remand.

United States v. Russell, 172 F.4th 434 (4th Cir. Apr. 14, 2026) **(Diaz, C.J.)**

(E.D. Va.) Affirmed convictions for destroying records to obstruct an investigation and wrongfully obtaining individually identifiable health information, arising from the online leak of Justice Ginsburg's hospital records. Rejected challenges to the denial of suppression of interview statements, limits on cross-examination, and the sufficiency of the evidence on the health-information count.

! *United States v. Zeledon Hernandez*, 173 F.4th 94 (4th Cir. Apr. 16, 2026) **(Gregory, J.; Wilkinson, J., dissenting)**

(E.D. Va.) Reversed a conviction under 18 U.S.C. § 1505 for obstructing a pending agency proceeding, brought against a noncitizen who escaped ICE custody. ICE's execution of a removal warrant after EOIR has already entered a final removal order is not a "pending proceeding" before EOIR. Conviction vacated and remanded.

! *United States v. Martin*, 173 F.4th 110 (4th Cir. Apr. 17, 2026) **(Benjamin, J.; King, J., dissenting)**

(S.D. W. Va.) Reversed the denial of suppression and vacated a § 922(g)(1) guilty plea. A Forest Service officer stopped a car for illegally parking on a bridge but immediately abandoned the stop's mission to pursue a firearms investigation, unlawfully extending the stop under Rodriguez.

Dorrbecker v. Howard, 173 F.4th 142 (4th Cir. Apr. 17, 2026) **(Rushing, J.)**

(D.S.C.) Affirmed dismissal of a habeas petition by a former Navy captain convicted by court-martial of attempted child sex offenses. His claim that he had only conditional intent went to the merits, not the military courts' subject-matter jurisdiction, and the NATO Status of Forces Agreement with Italy did not strip U.S. military courts of jurisdiction.

! *United States v. Mills*, 173 F.4th 182 (4th Cir. Apr. 20, 2026) **(Agee, J.)**

(E.D. Va.) Affirmed revocation of supervised release based on a new-crime violation, but vacated the 24-month revocation sentence as plainly unreasonable because the district court ignored a potentially non-frivolous mitigation argument.

! *Benson v. Warden FCI Edgefield*, 174 F.4th 348 (4th Cir. Apr. 22, 2026) **(Agee, J.)**

(D.S.C.) Vacated the summary dismissal of a pro se § 2241 petition seeking about 150 First Step Act time credits the prisoner says he earned before BOP gave him a risk-and-needs assessment at his designated facility. The district court dismissed without requiring a government response or allowing discovery. Remanded for further proceedings.

United States v. Allen, 173 F.4th 543 (4th Cir. Apr. 28, 2026) **(Niemeyer, J.)**

(E.D.N.C.) On the government's appeal, reversed a suppression order. Even assuming the search of the arrestee's bags after he was restrained was not a valid search incident to arrest, the guns and drugs would inevitably have been found in an inventory search under established police policy.

United States v. Williamson, 174 F.4th 421 (4th Cir. Apr. 30, 2026) **(Quattlebaum, J.)**

(S.D. W. Va.) Affirmed denial of a new trial although a juror, a retired police chief, dishonestly concealed during voir dire that he had been the target of a federal corruption probe. The district court did not abuse its discretion in finding no actual bias and that truthful answers would not have required striking him.

United States v. Lodge, 174 F.4th 434 (4th Cir. Apr. 30, 2026) **(Young, D.J., sitting by designation; Gregory, J., dissenting)**

(N.D. W. Va.) Fourth Amendment abandonment findings are reviewed for clear error. Affirmed denial of suppression: the finding that a fleeing defendant abandoned his backpack beside a shed in the yard of a home connected to his family was not clearly erroneous, given he was refused entry at the door moments earlier. The court left open whether hiding property within curtilage preserves a privacy interest.

MAY 2026

United States v. Lefemine, 174 F.4th 454 (4th Cir. May 1, 2026) **(Benjamin, J.; Rushing, J., dissenting)**

(D.S.C.) Affirmed a bench-trial conviction under the FACE Act of a protester who blocked a clinic entrance. The charged offense carried a six-month maximum, so it was petty and carried no Sixth Amendment jury right. Removing a statutory subsection reference from the indictment did not require resubmission to the grand jury, and trial testimony about violence did not change the charged offense.

United States v. Speed, 175 F.4th 272 (4th Cir. May 5, 2026) **(Quattlebaum, J.; Wilkinson and Richardson, JJ., concurring)**

(E.D. Va.) Affirmed a National Firearms Act conviction for unregistered silencers made from "solvent traps." The vagueness challenge failed because the statute clearly covered defendant's conduct. The Second Amendment challenge failed because NFA registration is a presumptively constitutional shall-issue scheme and he did not argue it was abusive. The court did not decide whether silencers are "arms."

United States v. Mhana, 175 F.4th 486 (4th Cir. May 12, 2026) **(Rushing, J.)**

(W.D.N.C.) Affirmed money-laundering, conspiracy, and stolen-goods convictions of a business owner who bought fraudulently obtained iPhones and shipped them overseas, rejecting challenges to the admission of documents. On the government's cross-appeal, reversed the denial of forfeiture and remanded for entry of a forfeiture judgment.

United States v. Tyrone Davis, 177 F.4th 549 (4th Cir. May 12, 2026 (second version posted June 2, 2026)) **(Rushing, J.)**

(E.D. Va.) Affirmed denial of a § 3582(c)(2) reduction under the retroactive status-points amendment. A reduction motion is not a plenary resentencing and does not carry the full sentencing-explanation requirements; the district court adequately relied on the § 3553(a) factors and the defendant's prison disciplinary record.

United States v. Straite, 177 F.4th 261 (4th Cir. May 18, 2026) **(Gregory, J.)**

(M.D.N.C.) Held that attempted armed bank robbery under 18 U.S.C. § 2113(d) is categorically a crime of violence under § 924(c)(3), because § 2113(d) requires assaulting a person or putting a life in jeopardy with a dangerous weapon. Affirmed denial of post-conviction relief.

United States v. Starkey, 176 F.4th 821 (4th Cir. May 22, 2026) **(Niemeyer, J.)**

(E.D. Va.) Affirmed a career-offender enhancement. Delaware drug-delivery convictions are controlled substance offenses: the statute's definition of "delivery" to include an "attempted transfer" describes completed conduct and does not turn the offense into an inchoate attempt offense under pre-2023 circuit precedent.

! *United States v. Scott*, 176 F.4th 806 (4th Cir. May 22, 2026) **(Heytens, J.; Niemeyer, J., dissenting)**

(E.D. Va.) Vacated a § 922(g)(1) sentence. Virginia conviction for using, attempting to use, or displaying firearm in threatening manner during a robbery was not a crime of violence under Sentencing Guidelines and could not raise the base offense level under § 2K2.1(a)(4)(A).

! *United States v. Revels*, 176 F.4th 824 (4th Cir. May 27, 2026) **(Heytens, J.)**

(E.D.N.C.) Vacated a sentence because the district court's findings were legally insufficient to apply the § 2K2.1(c)(1) cross-reference, which reaches only a firearm "cited in the offense of conviction." The revolver used in the fatal shooting was not referenced in the indictment. The court remanded without deciding whether the cross-reference ultimately applies.

United States v. Gentner, 177 F.4th 519 (4th Cir. May 28, 2026) **(King, J.)**

(W.D.N.C.) Affirmed convictions under 26 U.S.C. § 7202 for willfully failing to pay over employees' withheld trust-fund taxes, rejecting challenges to the trial proceedings and the denial of a new-trial motion.

JUNE 2026

United States v. Goode, 177 F.4th 563 (4th Cir. June 5, 2026) **(Wynn, J.)**

(E.D.N.C.) The court had earlier dismissed Goode's Second Amendment challenge under his appeal waiver. Government forfeited its right to assert appeal waiver by moving for summary affirmance, and North Carolina second-degree murder is categorically an ACCA violent felony.

! *United States v. Watson*, 177 F.4th 601 (4th Cir. June 8, 2026) **(Wilkinson, J.)**

(D.S.C.) Vacated a revocation sentence of 41 months in prison plus about 21 months of home detention. Because home detention may be imposed only as an alternative to incarceration (18 U.S.C. § 3563(b)(19)), prison and home detention combined could not exceed the 48-month cap in § 3583(e)(3).

United States v. Melaku, 178 F.4th 871 (4th Cir. June 17, 2026) **(Heytens, J.)**

(E.D. Va.) Affirmed a resentencing of a defendant who fired on military sites in Northern Virginia. Two of his four challenges were forfeited because they were never raised in the district court, and the other two failed under abuse-of-discretion review.

United States v. Bendann, 180 F.4th 147 (4th Cir. June 25, 2026) **(Diaz, C.J.)**

(D. Md.) Affirmed a teacher's child-exploitation, CSAM, and cyberstalking convictions and 35-year sentence. No abuse of discretion in declining a competency evaluation despite suicidal ideation; the phone passcode he entered unprompted after invoking counsel was voluntary, not the product of interrogation; there was no Jencks violation; and the victim-impact testimony at sentencing was proper.

JULY 2026

United States v. Holley, 179 F.4th 985 (4th Cir. July 1, 2026) **(Wilkinson, J.)**

(S.D. W. Va.) Affirmed denial of compassionate release to a prisoner with end-stage renal disease receiving dialysis at a BOP medical center. The district court acted within its discretion in finding his circumstances were not extraordinary and compelling.

! *United States v. Covington*, 180 F.4th 576 (4th Cir. July 2, 2026) **(Heytens, J.; Rushing, J., concurring in part and dissenting in part)**

(E.D. Va.) BOP officers prosecuted after an inmate's death in custody. The evidence was sufficient on the § 242 and § 1001 counts, but the district court erred in refusing a proximate-cause instruction on the § 242 count, so Covington's § 242 conviction was vacated. The court also found Farley's offense level miscalculated and vacated both sentences.

Langford v. Stonebreaker, 180 F.4th 598 (4th Cir. July 2, 2026) **(Rushing, J.)**

(D.S.C.) Reversed a grant of § 2254 relief. The state courts' rejection of the speedy-trial claim and the ineffective-assistance claim (failure to object to hearsay testimony about a tip) was not unreasonable under AEDPA; the district court had effectively reviewed the claims de novo.

! *United States v. Kevin Williams*, 180 F.4th 613 (4th Cir. July 7, 2026) **(Benjamin, J.; Rushing, J., dissenting)**

(W.D.N.C.) Reversed the denial of suppression. Officers seized Williams when they partially blocked his parked car, and an anonymous 911 tip plus presence in a high-crime area did not supply reasonable suspicion. Conviction vacated and remanded.

United States v. Carson, 180 F.4th 650 (4th Cir. July 8, 2026) **(Benjamin, J.; Berner, J., concurring in the judgment)**

(W.D.N.C.) Affirmed denial of suppression in a § 922(g)(1) case. Officers did not unreasonably extend a traffic stop of a car with an unlicensed driver, and the frisk of the backseat passenger was supported by reasonable suspicion, with officers having noted marijuana odor, a digital scale, and a knife in the car. Notable for Judge Berner's concurrence suggesting that the *Sakyi* presumption of dangerousness based on presence of drugs may not hold up any more.

United States v. Giannone, 180 F.4th 672 (4th Cir. July 9, 2026) **(Gregory, J.)**

(D.S.C.) Affirmed denial of a writ of coram nobis challenging wire-fraud and aggravated-identity-theft convictions, filed eight years after the petitioner received FOIA documents he said showed his innocence. The case did not warrant that extraordinary remedy.

United States v. Valencia, 181 F.4th 395 (4th Cir. July 9, 2026) **(Wynn, J.)**

(E.D. Va.) Affirmed denial of a motion to dismiss an illegal-reentry indictment. A noncitizen who claims his immigration lawyer's ineffectiveness defeated his BIA appeal must exhaust that claim, and he failed to substantially comply with the *Matter of Lozada* requirements, so he could not collaterally attack the removal order under § 1326(d).

United States v. Wable, 181 F.4th 441 (4th Cir. July 10, 2026) **(Berner, J.)**

(N.D. W. Va.) Affirmed a 180-month sentence for felon-in-possession and witness tampering, rejecting a challenge to the base offense level calculation and the claim that the district court failed to consider a nonfrivolous sentencing argument.

United States v. Belmonte Cardozo, 181 F.4th 461 (4th Cir. July 13, 2026) **(Quattlebaum, J.)**

(E.D. Va.) A manual search of a traveler's phones at the border is a routine search requiring no individualized suspicion, unlike the forensic search addressed in *Kolsuz*. Affirmed denial of suppression of CSAM a CBP officer found in hidden photo folders at Dulles.

United States v. Ball, 181 F.4th 488 (4th Cir. July 14, 2026) **(Richardson, J.)**

(E.D. Va.) Affirmed a physician's oxycodone-distribution convictions. Deleting "her" from "the course of her professional practice" in the jury instructions did not misstate the *Ruan* mens rea requirement, because the charge as a whole required both an objective departure from professional practice and the defendant's knowledge of it.

United States v. Snyder, 181 F.4th 494 (4th Cir. July 14, 2026) **(Wynn, J.)**

(D. Md.) Affirmed the attempted-extortion conviction of a prominent lawyer who demanded $25 million from a hospital. A defendant competent to stand trial is competent to waive counsel, so his concession of competence foreclosed the claim that cognitive decline undermined his self-representation.

Wood v. Straughn, 182 F.4th 382 (4th Cir. July 17, 2026) **(Wynn, J.)**

(N.D. W. Va.) Reversed a grant of § 2254 relief on a double-jeopardy claim. The state court's determination that defense counsel's references to excluded evidence in opening statement created a manifest necessity for a mistrial was not unreasonable under AEDPA.

United States v. Ellis, 182 F.4th 403 (4th Cir. July 20, 2026) **(Niemeyer, J.; Richardson, J., dissenting)**

(E.D.N.C.) A partial, temporary courtroom closure during one witness's testimony implicated the Public Trial Clause, and a violation would be structural error. But under a more relaxed test for partial closures, the court had a substantial reason, the closure was no broader than necessary, and there were no reasonable alternatives. Affirmed.

! *United States v. Bisheem Jones*, 183 F.4th 307 (4th Cir. July 21, 2026) **(Berner, J.; Quattlebaum, J., dissenting)**

(S.D. W. Va.) Vacated, for insufficient evidence, a gun-trafficking ringleader's conviction for conspiracy to commit promotional money laundering. Affirmed the challenged guideline enhancements and remanded for resentencing.

! *United States v. Melvin*, 183 F.4th 322 (4th Cir. July 27, 2026) **(Gregory, J.)**

(E.D.N.C.) District court erred in permitting government to propose additional ACCA predicate at sentencing hearing, when govt didn't object to PSR identification of potential ACCA predicates.

! *United States v. Jaqu*, 184 F.4th 322 (4th Cir. July 27, 2026) **(Niemeyer, J.)**

(D.S.C.) Vacated a sentence. Denying a defendant's post-verdict, pre-sentencing request to represent himself at sentencing as "untimely" violated *Faretta*; the untimeliness rule for requests made after trial begins did not apply. Remanded for resentencing.

AUGUST 2026

United States v. Clay, 185 F.4th 441 (4th Cir. Aug. 3, 2026) **(Gregory, J.)**

(S.D. W. Va.) Affirmed a former police chief's convictions for sex trafficking a minor. His Rule 33 motion claiming an "unwaivable" attorney conflict was untimely and failed on the merits, because he knowingly waived the potential conflict twice after the court's warnings. Rejected Speedy Trial Act, interstate-nexus, coercion, and sentencing challenges.

United States v. Joyner, 187 F.4th 84 (4th Cir. Aug. 12, 2026) **(Richardson, J.)**

(W.D.N.C.) Affirmed a physician assistant's health-care-fraud and false-statement convictions for signing genetic-test orders for about 600 Medicare patients. No abuse of discretion in excluding company compliance documents under Rule 403 or in excusing four witnesses who invoked the Fifth Amendment; an assumed-improper rebuttal comment about their absence was not prejudicial.

United States v. Flood, 188 F.4th 250 (4th Cir. Aug. 13, 2026) **(Richardson, J.; Heytens, J., dissenting)**

(D. Md.) Affirmed denial, without a hearing, of a § 2255 motion claiming counsel failed to pursue a plea. "Try harder" is not a Strickland theory, and the record showed no reasonable probability he would have accepted the cooperation-based plea the government required.

United States v. Roney, 188 F.4th 282 (4th Cir. Aug. 14, 2026) **(Richardson, J.; Berner, J., concurring in part and dissenting in part)**

(D.S.C.) Under 18 U.S.C. § 4243(g), a conditional discharge of an insanity acquittee may be revoked only for violating the prescribed treatment regimen, not "ancillary" conditions, rejecting four other circuits' reasoning. But the no-weapons condition violated here was part of the regimen, so revocation was affirmed.

! *United States v. Franklin*, 187 F.4th 168 (4th Cir. Aug. 14, 2026) **(Benjamin, J.; Agee, J., dissenting)**

(E.D.N.C.) Vacated a postal employee's mail-theft sentence. The district court made no findings linking a loaded gun found in employee's backpack to the offenses, so the § 2B1.1(b)(16)(B) firearm enhancement could not stand. Remanded for resentencing.

! *United States v. Griffin*, 188 F.4th 297 (4th Cir. Aug. 14, 2026) **(Benjamin, J.; Heytens, J., dissenting)**

(D. Md.) Reversed the denial of suppression. A no-knock warrant affidavit relying on neighborhood reputation, old criminal histories, and transactions near but not tied to the home failed to show a nexus to the residence and was stale. The good-faith exception did not apply.

! *United States v. Smith*, 188 F.4th 770 (4th Cir. Aug. 25, 2026) **(Benjamin, J.; Agee, J., concurring in part and dissenting in part)**

(E.D. Va.) Rejected facial and as-applied Second Amendment challenges to § 922(o). Vacated the sentence because the § 2K2.1(b)(4)(B) altered-serial-number enhancement requires that the gun be untraceable, and this Glock retained one legible serial number. This conflicts with the Third Circuit's *Craddock* decision.

SEPTEMBER–OCTOBER 2026

! *United States v. Arevalo*, 190 F.4th 261 (4th Cir. Sept. 3, 2026) **(Quattlebaum, J.)**

(E.D. Va.) MS-13 racketeering and murder trial. Instructing the jury to disregard one defendant's entire closing argument cured any prejudice to the codefendants, whose convictions were affirmed, but was a prejudicial abuse of discretion as to Turcios Villatoro, whose convictions were vacated.

United States v. Martinez-Chavez, 190 F.4th 295 (4th Cir. Sept. 9, 2026) **(Richardson, J.)**

(W.D. Va.) Affirmed § 922(g)(1) and unregistered short-barreled-rifle convictions. Two remarks the government conceded were improper in closing were not prejudicial, and the district court acted within its discretion in refusing an adverse-inference instruction for unpreserved dispatch recordings.

United States v. Vick, 2026 WL 3056462 (4th Cir. Oct. 13, 2026) **(Niemeyer, J.)**

(E.D.N.C.) The court affirmed a 102-month sentence for bribing jail guards and conspiring to distribute drugs. The six-level official-victim enhancement under § 3A1.2(c)(2) applied because Vick lifted an officer off his feet and slammed him into a wall and onto a concrete floor. That created a substantial risk of serious bodily injury, even though the officer wasn't seriously hurt. The court rejected Vick's argument that § 2A2.2's aggravated-assault definitions apply. The sentence was adequately explained and substantively reasonable.

United States v. Owens, 2026 WL 3079372, No. 25-4469 (4th Cir. Oct. 19, 2026) (Amended Opinion) **(Diaz, J.)**

(D.S.C.) Court holds that South Carolina first-degree assault and battery is a crime of violence under the Sentencing Guidelines. Owens argued that Fourth Circuit's prior holding that first-degree assault and battery is a crime of violence, in *United States v. Mack*, 56 F.4th 303 (4th Cir. 2022), is undermined by the South Carolina Supreme Court's ruling in *United States v. Clemons*, 901 S.E.2d 280, 284 (S.C. 2024), which held similar South Carolina offenses may be committed recklessly in some circumstances. Court holds *Clemons* doesn't apply to first-degree assault and battery which, additionally, "is divisible." And in any event, Owens could not prevail on plain-error review because binding circuit precedent resolved the issue.

United States v. Chafin, 2026 WL 3119158, No. 25-4521 (4th Cir. Oct. 19, 2026) **(Rushing, J.)**

(E.D.Va.) Supreme Court's decision in *Esteras v. United States*, 145 S. Ct. 2031 (2025), did not abrogate this Court's holding in *United States v. Lewis*, 90 F.4th 288 (4th Cir.), *cert. denied*, 144 S. Ct. 2543 (2024), that a district court may lawfully impose a revocation sentence to sanction a defendant's breach of trust.

RELATED (NOT CRIMINAL PROSECUTIONS)

United States v. Boyd, 186 F.4th 153 (4th Cir. Aug. 6, 2026) **(Berner, J.)**

(E.D.N.C.) Affirming revocation of conditional discharge from Adam Walsh Act civil commitment (18 U.S.C. § 4248) based on violations of the prescribed treatment regimen. Court reviews district court's factual findings for clear error and its legal conclusions de novo.

Hayat v. Diaz, 188 F.4th 687 (4th Cir. Aug. 20, 2026) **(Niemeyer, J.; Benjamin, J., dissenting)**

(D. Md.) Civil § 1983 case. Officers with reasonable suspicion of a kidnapping could extend a Terry stop into the suspect's home after he retreated inside, and exigent circumstances justified the entry.