

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT’S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION “SUMMARY ORDER”). A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 21st day of September, two thousand twenty-six.

Present:

JOHN M. WALKER, JR.,
MICHAEL H. PARK,
EUNICE C. LEE,
Circuit Judges.

UNITED STATES OF AMERICA,

Appellee,

v.

25-1491

GREGORY KING,

Defendant-Appellant.

FOR APPELLEE:

SEAN C. ELDRIDGE, Assistant United States Attorney, *for* Michael DiGiacomo, United States Attorney for the Western District of New York, Rochester, NY.

FOR DEFENDANT-APPELLANT:

TIMOTHY P. MURPHY, Federal Public Defender’s Office for the Western District of New York, Buffalo NY.

Appeal from a judgment of the United States District Court for the Western District of New York (Siragusa, *J.*).

UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that King’s sentence is **VACATED** with respect to the standard conditions of supervised release and **REMANDED** for further proceedings consistent with this order. The appeal is otherwise **DISMISSED**.

Defendant Gregory King appeals from a judgment entered on May 28, 2025, by the United States District Court for the Western District of New York (Siragusa, *J.*) sentencing him to 46 months in prison. King was convicted of a felony in New York state court in 2002. In January 2025, he pleaded guilty to possessing a firearm as a felon in violation of 18 U.S.C. § 922(g)(1). As part of that agreement, the government arranged for the dismissal of state charges pending against him in New York and agreed to advocate for a sentence between 37 and 46 months in prison—its estimate of King’s Guidelines range. King waived his right to appeal any sentence of imprisonment within that range, “notwithstanding the manner in which the Court may determine the sentence.” At sentencing, the district court calculated King’s Guidelines range as 57–71 months by applying a four-level enhancement for use of a firearm in connection with a felony under U.S.S.G. 2K2.1(b)(6)(B). The district court accepted the plea agreement and imposed a sentence of 46 months of imprisonment, which was within the stipulated range. King was also sentenced to a three-year term of supervised release subject to the “standard conditions.” The district court referenced only two of these conditions in open court. On appeal, King challenges the procedural reasonableness of the Guidelines calculation and the imposition of the standard conditions of supervised release.

“We review plea agreements, including waivers of the right to appeal, *de novo* and in

accordance with general principles of the law of contract. Since plea agreements waive defendants’ fundamental constitutional rights, we construe their terms strictly against the government.” *United States v. Green*, 897 F.3d 443, 447 (2d Cir. 2018) (citation omitted). “We review sentences for reasonableness, which is a particularly deferential form of abuse-of-discretion review.” *United States v. DeJesus*, 182 F.4th 233, 240 (2d Cir. 2026) (internal quotation marks omitted).

King argues that he retained the right to appeal the procedural reasonableness of his sentence and that he waived the right to challenge only its length. King notes that plea waivers are construed against the government, and he emphasizes the fact that his appeal waiver did not contain a “free-standing prohibition” against procedural challenges. Additionally, he asks that the sentence of supervised release be vacated and remanded to the district court for resentencing in compliance with our decision in *United States v. Maiorana*, 153 F.4th 306 (2d Cir. 2025) (*en banc*).

Waivers of appellate rights are “presumptively enforceable” if they are made “knowingly, voluntarily, and competently,” *United States v. Riggi*, 649 F.3d 143, 147 (2d Cir. 2011), and the final sentence is “within the range contemplated in the plea agreement,” *United States v. Gomez-Perez*, 215 F.3d 315, 319 (2d Cir. 2000). King’s waiver satisfies those conditions. Before he entered his guilty plea, he affirmed that he had read the agreement, discussed it with his attorney, and had no questions. King agreed that if he received a sentence between 37 and 46 months, “[he] could not take [his] plea back.” When the district court specifically reviewed the terms of the appellate waiver, King acknowledged that he was “giving up [his] right to appeal or collaterally attack” any sentence with the stipulated range. He knew that the court would ultimately conduct its own Guidelines analysis. King thus knowingly and voluntarily waived his right to appeal any

sentence between 37 and 46 months. He was sentenced within that range, so the waiver is presumptively enforceable.

The error King alleges does not warrant departure from this principle. Exceptions to the enforcement of appeal waivers “occupy a very circumscribed area of our jurisprudence,” *United States v. Ojeda*, 946 F.3d 622, 629 (2d Cir. 2020), and are typically limited to “the kind of egregious error that would bring the judicial system into disrepute,” not “standard-fare errors in misapplying sentencing law,” *Hunter v. United States*, 608 U.S. 713, 727 (2026). Errors in the “detailed calculation of a Sentencing Guidelines range,” like the one King alleges here, are “standard-fare” because they do not “discredit the judiciary’s commitment to law.” *Id.*

King answers that his appeal waiver was limited to substantive reasonableness because it did not include a “free-standing prohibition” on procedural challenges (like Guidelines calculations). That is wrong. King waived his right to appeal a sentence between 37 and 46 months, “notwithstanding the manner in which the Court may determine the sentence.” It is immaterial that this clause was not a “free-standing prohibition,” because this Court has repeatedly enforced waivers of procedural arguments that were not “free-standing.” In *United States v. Yemitan*, for example, we enforced a waiver of appellate rights “notwithstanding the fact that the court may reach that range by a Guidelines analysis different from that set forth in this agreement.” 70 F.3d 746, 747 (2d Cir. 1995). King’s appeal waiver “plainly includes a waiver of his right to claim errors arising out of the District Court’s crafting of [his] sentence.” *United States v. Arevalo*, 628 F.3d 93, 97 (2d Cir. 2010). His appeal of the Guidelines calculation falls within that waiver and must be dismissed.

Finally, King argues that the district court erred by imposing the thirteen “standard” conditions of supervised relief in its written sentence while orally announcing only two of them.

In *United States v. Maiorana*, we held that “a sentencing court intending to impose non-mandatory conditions of supervised release, including the ‘standard’ conditions . . . , must notify the defendant during the sentencing proceeding; if the conditions are not pronounced, they may not later be added to the written judgment.” 153 F.4th 306, 314 (2d Cir. 2025) (*en banc*). Here, the district court stated that it would impose the standard conditions, but it mentioned only two such conditions and omitted the remaining eleven. It did not “specifically incorporat[e] by reference particular conditions that had been set forth in writing and made available to [King].” *United States v. Shelton*, No. 24-2101, 2025 WL 3687777, at *5 (2d Cir. Dec. 19, 2025) (cleaned up). As the parties agree, *Maiorana* requires vacating the standard conditions and a limited remand. We thus vacate that part of the district court’s judgment. “On remand, the district court should address the standard conditions of [King’s] supervised release in accordance with the procedures laid out in *Maiorana*.” *Shelton*, 2025 WL 3687777, at *5.

We have considered King’s remaining arguments and find them to be without merit. For the foregoing reasons, we **VACATE** the judgment of the district court with respect to the standard conditions of supervised release, and **REMAND** for further proceedings consistent with this order. We otherwise **DISMISS** the appeal.

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FOR THE COURT:
Catherine O’Hagan Wolfe, Clerk of Court