

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 8th day of October, two thousand twenty-six.

PRESENT: RAYMOND J. LOHIER, JR.,
Chief Judge,
JON O. NEWMAN,
GUIDO CALABRESI,
Circuit Judges.

UNITED STATES OF AMERICA,

Appellee,

v.

No. 25-80-cr

JAMES WHITE,

*Defendant-Appellant.**

* This appeal was consolidated with the appeal of Defendants-Appellants Markell Williams, No. 24-3150-cr, and Messiah Jackson, No. 25-283-cr. We address the *Anders* motions filed by counsel for Williams and Jackson in separate orders. Therefore, this appeal is hereby severed from the consolidated appeals of Williams and Jackson. Accordingly, the Clerk of Court is directed to amend the caption of No. 25-80-cr as set forth above.

FOR DEFENDANT-APPELLANT:

JEREMY GUTMAN, New York,
NY

FOR APPELLEE:

RYAN W. ALLISON (Jennifer N.
Ong, Jacob R. Fiddelman, *on
the brief*), Assistant United
States Attorneys, *for* Jamie
McDonald, United States
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District of New York, New
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Appeal from a judgment of the United States District Court for the
Southern District of New York (Philip M. Halpern, *Judge*).

UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED,
AND DECREED that the judgment of the District Court is AFFIRMED.

James White appeals from the December 20, 2024 judgment of the United
States District Court for the Southern District of New York (Halpern, *J.*)
convicting him, upon a guilty plea, of racketeering conspiracy, in violation of 18
U.S.C. § 1962(d), and narcotics conspiracy, in violation of 21 U.S.C. § 846, and
sentencing him principally to a term of 300 months' imprisonment, to be
followed by three years' supervised release under several standard and special
conditions of release. We assume the parties' familiarity with the underlying

facts and the record of prior proceedings, to which we refer only as necessary to explain our decision to affirm.

White challenges two conditions of supervised release that concern contact with his nephew, a convicted felon and gang member. White failed to object to either condition before the District Court. Standard Condition 8 prohibits White from knowingly communicating with someone engaged in criminal activity or who has been convicted of a felony without first obtaining permission from the probation officer. App'x 123. A second, special condition similarly provides that White “shall not associate or interact in any way, including through social media websites, with any gang members or associates” App'x 124. These conditions, White asserts, at least *implicate* a constitutionally protected familial relationship insofar as they restrict contact with White's nephew.

As a general matter, “a district court need not explain its reasoning when imposing standard conditions.” *United States v. Bryant*, 976 F.3d 165, 183 (2d Cir. 2020). Nor does the imposition of special conditions require explanation “if the court's reasoning is self-evident in the record.” *United States v. Sims*, 92 F.4th 115, 123–24 (2d Cir. 2024) (quotation marks and citation omitted). But in cases where conditions implicate a fundamental liberty interest, “a more thorough justification is required.” *Bryant*, 976 F.3d at 184. In such cases, “we must first

consider the sentencing goal to which the condition relates, and whether the record establishes its reasonableness. We must then consider whether it represents a greater deprivation of liberty than is necessary to achieve that goal.” *United States v. Myers*, 426 F.3d 117, 126 (2d Cir. 2005). And where, as here, a defendant fails to object to conditions of supervised release at the time of sentencing, we review for plain error. *United States v. Arguedas*, 134 F.4th 54, 68 (2d Cir. 2025).

Pointing to his especially close relationship with his nephew, White asserts that the District Court plainly erred when it imposed the two challenged conditions without first explaining why they entailed no greater deprivation of his liberty interests arising from his relationship with his nephew than was reasonably necessary. The Supreme Court has recognized fundamental liberty interests arising from “certain kinds of highly personal relationships,” particularly marriage, parenthood, and familial cohabitation. *Roberts v. U.S. Jaycees*, 468 U.S. 609, 618–19 (1984). Our Court has likewise recognized that spousal, parental, and sibling relationships are entitled to constitutional protection, explaining that “[t]o determine whether other familial relationships are protected, one must, according to this formulation, assess such factors as cohabitation and the precise degree of kinship.” *Patel v. Searles*, 305 F.3d 130, 136

(2d Cir. 2002). We have applied this protection to conditions of supervision restricting contact with parents, children, and siblings. *See Bryant*, 976 F.3d at 184; *Myers*, 426 F.3d at 125–26.

Recognizing that familial relationships and what counts as a highly personal relationship entitled to constitutional protection are matters of degree and context, we “typically will not find [plain] error where the operative legal question is unsettled, including where there is no binding precedent from the Supreme Court or this Court.” *United States v. Whab*, 355 F.3d 155, 158 (2d Cir. 2004) (quotation marks and citation omitted). Neither this Court nor the Supreme Court has extended the constitutional protection to the relationship between an uncle and his nephew or invalidated a condition of supervision that restricts contact with a nephew.

We also note that the few sister circuits to have squarely addressed the issue have declined to extend this constitutional protection beyond the supervisee’s immediate nuclear family to relationships akin to that of a nephew. *See United States v. Speed*, 811 F.3d 854, 859–60 (7th Cir. 2016) (finding no abuse of discretion where district judge imposed a condition restricting contact with other felons where both defendants were cousins); *United States v. Merritt*, No. 22-10238, 2024 WL 1109242, at *1 (9th Cir. Mar. 14, 2024) (“[T]he district court did

not commit a procedural error by implementing Special Condition 12 without an individualized review of Merritt's relationship with his nieces.").

For these reasons, we conclude that the District Court's alleged error in imposing the challenged conditions of supervised release is not so "clear under current law" as to constitute plain error. *Whab*, 355 F.3d at 158 (quotation marks and citation omitted).

We have considered White's remaining arguments and conclude that they are without merit. For the foregoing reasons, the judgment of the District Court is AFFIRMED.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court