

United States Court of Appeals
for the Fifth Circuit

No. 25-20102

United States Court of Appeals
Fifth Circuit

FILED

August 21, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

DAVANTAE LONDON,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:20-CR-154-1

ON REMAND FROM
THE SUPREME COURT OF THE UNITED STATES

Before SMITH, HAYNES, and OLDHAM, *Circuit Judges*.

PER CURIAM:

Defendant Davantae London robbed at gunpoint several Wal-Mart stores in the Houston area. As part of Hunter's plea agreement with the United States, the Government agreed to drop nine counts from London's superseding indictment, and London agreed to waive his right to appeal his conviction and sentence. But London tried to appeal anyway. So we granted the Government's motion to dismiss. Following the Supreme Court's

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decision in *Hunter v. United States*, 146 S. Ct. 1702 (2026), however, the Court granted London’s petition for a writ of certiorari, vacated our judgment, and remanded. *See London v. United States*, No. 25-6850, 2026 WL 1854988 (U.S. June 29, 2026).

In *Hunter*, the Supreme Court announced that a defendant’s appeal waiver is unenforceable if it “would result in a miscarriage of justice,” meaning “the kind of egregious error that would bring the judicial system into disrepute.” 146 S. Ct. at 1708. London contends that enforcement of his appeal waiver would result in one such miscarriage. He argues that the district court erred in running his federal sentence consecutive to his state sentence in violation of the Sentencing Guidelines. *See* U.S.S.G. § 5G1.3.

London’s argument fails. The *Hunter* Court provided examples of what could amount to a miscarriage of justice—including “a sentence exceeding what the relevant statute allows,” “a sentence that is infected with a blatant constitutional error,” or a sentence “imposed without some minimum of civilized procedure.” 146 S. Ct. at 1714 (quotation omitted). These types of errors jeopardize the “justice system’s basic integrity.” *Id.* London, by contrast, brings a run-of-the-mill challenge to the district court’s application of the Sentencing Guidelines. “Such standard-fare errors in misapplying sentencing law cannot cancel an appeal waiver”—even assuming such an error occurred here. *Id.* at 1713.

We therefore enforce London’s appeal waiver and DISMISS this appeal. *See United States v. Hunter*, No. 24-20211, 2026 WL 2185925, at *7 (5th Cir. July 29, 2026) (doing the same thing).