

SUPREME COURT OF THE UNITED STATES

Samantha Estefenia Francisco Castro v. Jose Leonardo Brito Guevara

608 U.S. ____ (2026) · No. No. 25-666 · Decided April 20, 2026

SUMMARY

The Supreme Court denied certiorari in a Hague Convention child-abduction case concerning the standard of appellate review for a finding that a child is well settled in a new environment. Justice Sotomayor concurred in the denial, explaining that the case presented a circuit split and potentially important legal issue but was no longer an appropriate vehicle because the child had returned to Venezuela and changed circumstances could substantially affect the analysis.

CASE DETAILS

COURT	Supreme Court of the United States
WRITING FOR THE COURT	Sotomayor, J.
JURISDICTION	Supreme Court of the United States
DECIDED	April 20, 2026
DOCKET	No. 25-666
DISPOSITION	cert_denied
PROCEDURAL POSTURE	Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit. The Supreme Court denied certiorari, accompanied by Justice Sotomayor's statement respecting that denial.
STANDARD OF REVIEW	The unresolved question was whether a court of appeals should review a district court's finding that a child is well settled in a new environment de novo or for clear error. The Fifth Circuit applied de novo review. Justice Sotomayor suggested that clear-error review should apply, by analogy to Monasky's treatment of habitual-residence findings, but the Supreme Court did not decide the issue.
PRECEDENTIAL VALUE	nonbinding statement respecting denial of certiorari
PARTIES	Samantha Estefenia Francisco Castro v. Jose Leonardo Brito Guevara

TOPICS

- child custody
- standard of review
- appellate procedure
- family law

PRACTICE AREAS

family law

international child abduction

appellate procedure

QUESTIONS PRESENTED

1. What standard of review should a court of appeals apply to a district court's finding that a child is well settled in a new environment under the Hague Convention?
2. Whether the petition for certiorari was an appropriate vehicle for resolving the circuit split concerning that standard of review after the child had returned to Venezuela.

KEY QUOTATIONS

“This Circuit split warrants this Court’s attention.” (608 U.S. ___, at 2)

“As a result, Monasky suggests that clear-error review also should apply to a finding that a child is well settled.” (608 U.S. ___, at 3)

“Preserving the presuit status quo to enable later review by this Court of an issue worthy of certiorari, after all, is a hallmark reason for this Court to grant emergency interim relief.” (608 U.S. ___, at 4)

FACTUAL BACKGROUND

A. F. was born in Venezuela to the petitioner and respondent. In 2021, when A. F. was three years old, the petitioner took the child from Venezuela to the United States without the respondent's consent. Although the respondent promptly sought the child's return through Venezuelan and United States authorities, he did not file the Hague Convention lawsuit until 2023; the child later returned to Venezuela in January 2026 after the Supreme Court denied emergency relief.

PROCEDURAL HISTORY

The District Court found that the child was well settled in the United States and should not be returned to Venezuela under the Hague Convention. The Fifth Circuit reversed and ordered the child's return, treating the well-settled determination as primarily legal and subject to de novo review. The petitioner sought emergency relief from the Supreme Court, which was denied, and then sought certiorari; the Court denied the petition after the child had returned to Venezuela.

DISPOSITION

cert_denied

CASES CITED

- Abbott v. Abbott, 560 U.S. 1, 7-8 (2010)
- Lozano v. Montoya Alvarez, 572 U.S. 1, 4-5, 10 (2014)
- Alcala v. Hernandez, 826 F.3d 161, 171 & n. 7 (4th Cir. 2016)
- In re B. Del C. S. B., 559 F.3d 999, 1008-1009 (9th Cir. 2009)

- Lomanto v. Agbelusi, 2024 WL 3342415, *2 (2d Cir. July 9, 2024)
- Da Costa v. De Lima, 94 F.4th 174, 181 (1st Cir. 2024)
- Cuenca v. Rojas, 99 F.4th 1344, 1350 (11th Cir. 2024)
- Golan v. Saada, 596 U.S. 666, 676 & n. 6 (2022)
- Monasky v. Taglieri, 589 U.S. 68, 76, 84 (2020)
- Lozano v. Alvarez, 697 F.3d 41, 57 (2d Cir. 2012), aff'd on other grounds, 572 U.S. 1 (2014)
- Whole Woman's Health v. Jackson, Whole Woman's Health v. Jackson, 594 U.S. ____ (2021) (Roberts, C.J., dissenting from denial of application for injunctive relief)

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