

No. 18-7490

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IN THE SUPREME COURT OF THE UNITED STATES

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DAN REED, PETITIONER

v.

UNITED STATES OF AMERICA

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ON PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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MEMORANDUM FOR THE UNITED STATES

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Petitioner contends that his conviction for unlawful possession of a firearm by a felon, in violation of 18 U.S.C. 922(g)(1) and 924(a)(2), should be vacated on plain-error review because the jury instructions at his trial did not require a finding that petitioner knew he was a felon. On January 11, 2019, this Court granted the petition for a writ of certiorari in Rehaif v. United States, No. 17-9560, to consider whether an alien who is illegally or unlawfully in the United States and knowingly possesses a firearm or ammunition "knowingly violates," 18 U.S.C. 924(a)(2), the federal prohibition against possession of a firearm or ammunition by "an alien \* \* \* illegally or unlawfully in the

United States," 18 U.S.C. 922(g)(5)(A). Because the Court's decision in Rehaif may affect the proper disposition of the petition for a writ of certiorari in this case, the petition in this case should be held pending the decision in Rehaif and then disposed of as appropriate in light of that decision.\*

Respectfully submitted.

NOEL J. FRANCISCO  
Solicitor General

MAY 2019

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\* The government waives any further response to the petition for a writ of certiorari unless this Court requests otherwise.