

No. 18-9164

IN THE SUPREME COURT OF THE UNITED STATES

ANTONIO MURO, JR., PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

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ADDITIONAL RELATED PROCEEDINGS

United States District Court (W.D. Tex.):

United States v. Muro, No. 4:17-cr-359 (July 30, 2018)

United States Court of Appeals (5th Cir.):

United States v. Muro, No. 18-50752 (Apr. 15, 2019)

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Petitioner contends (Pet. 4-13) that the court of appeals erred in applying plain-error review to his claim that the district court's 66-month sentence was substantively unreasonable. The question petitioner presents is also the question currently before this Court in Holguin-Hernandez v. United States, cert. granted, No. 18-7739 (June 3, 2019), which will address whether a defendant's failure to object in the district court to the substantive reasonableness of a term of imprisonment renders a substantive-reasonableness challenge reviewable only for plain error on appeal. Because the proper disposition of the petition for a writ of certiorari in this case may be affected by the

Court's resolution of Holguin-Hernandez, the petition should be held pending that decision, and then disposed of as appropriate in light of that decision.*

Respectfully submitted.

NOEL J. FRANCISCO
Solicitor General

JULY 2019

* The government waives any further response to the petition unless this Court requests otherwise.