

No. 19-7001

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IN THE SUPREME COURT OF THE UNITED STATES

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HAJI BAGCHO, 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 DISTRICT OF COLUMBIA CIRCUIT

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MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

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Petitioner contends (Pet. 10-13) that the district court violated his Fifth and Sixth Amendment rights by considering conduct underlying a charge that the jury had not found beyond a reasonable doubt, but that the court found under a less exacting standard of proof, in calculating his advisory Sentencing Guidelines range. For the reasons stated in the government's brief in opposition to the petition for a writ of certiorari in Asaro v. United States, No. 19-107 (filed Nov. 12, 2019), a copy of which the government is serving on petitioner, that contention lacks merit and does not warrant further review. See Br. in Opp. at 7-15, Asaro, supra (No. 19-107). The Court recently denied the

petitions for writs of certiorari in Asaro v. United States, No. 19-107 (Feb. 24, 2020), and several other cases raising similar issues, e.g., Knight v. United States, No. 19-6265 (Feb. 24, 2020); Martinez v. United States, No. 19-5346 (Feb. 24, 2020); Michigan v. Beck, No. 19-564 (Feb. 24, 2020). The same result is warranted here.\*

Respectfully submitted.

NOEL J. FRANCISCO  
Solicitor General

MARCH 2020

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