

No. 20-1522

IN THE SUPREME COURT OF THE UNITED STATES

UNITED STATES OF AMERICA,
PETITIONER,

- VS. -

MALIK NASIR,
RESPONDENT.

RESPONSE TO PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

Whether a court of appeals reviewing an unpreserved claim of error based on *Rehaif v. United States*, 139 S. Ct. 2191 (2019) may look outside the trial record to determine whether the defendant was prejudiced.

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STATEMENT OF THE CASE

For purposes of this Response, respondent Malik Nasir accepts the Statement of the Case set forth in the Petition for a Writ of Certiorari filed by the United States in this matter.

RESPONSE TO PETITION

The United States has requested that the Petition be held pending, and be disposed in light of, this Court's decision in *Greer v. United States*, No. 19-8709. Pet. 8. *Greer* was decided on June 14, 2021. 141 S. Ct. 2090. In light of that ruling, the Petition should be granted, the judgment of the Third Circuit vacated, and the case remanded for further proceedings (GVR) in light of *Greer*.

CONCLUSION

The Petition should be granted, the judgment of the Third Circuit vacated, and the case remanded for further proceedings (GVR) in light of *Greer v. United States*, 141 S. Ct. 2090 (2021).

Respectfully submitted,

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