

No. 20-6601

IN THE SUPREME COURT OF THE UNITED STATES

SAVANNAH SIFUENTES, 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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Petitioner contends (Pet. 11-16) that her conviction following a guilty plea for possessing a firearm as a felon, in violation of 18 U.S.C. 922(g)(1), should be vacated, either on plain-error or de novo review, because knowledge of her felon status was not understood to be an element of her offense during the proceedings in the district court. See Rehaif v. United States, 139 S. Ct. 2191 (2019). On January 8, 2021, this Court granted the petition for a writ of certiorari in United States v. Gary, No. 20-444, to consider whether plain-error relief is automatically available in such a circumstance. Because the Court's decision in Gary may affect the proper disposition of the

petition for a writ of certiorari, the petition in this case should be held pending the decision in Gary and then disposed of as appropriate in light of that decision.*

Respectfully submitted.

ELIZABETH B. PRELOGAR
Acting Solicitor General

FEBRUARY 2021

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