

No. 20-7549

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IN THE SUPREME COURT OF THE UNITED STATES

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SHANE ARNOLD, 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 NINTH CIRCUIT

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MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 7-12) that the court of appeals erred in rejecting his claim that Rehaif v. United States, 139 S. Ct. 2191 (2019), entitled him to vacatur of his conviction under 18 U.S.C. 922(g)(9) on plain-error review following a bench trial and sentencing. On January 8, 2021, this Court granted the petition for a writ of certiorari in Greer v. United States, No. 19-8709 (argued Apr. 20, 2021), to consider an analogous Rehaif challenge to a defendant's conviction under 18 U.S.C. 922(g)(1) and 924(a)(2) on plain-error review following a jury trial and sentencing. Because the Court's decision in Greer could

conceivably affect the proper disposition of the petition for a writ of certiorari, the petition in this case should be held pending the decision in Greer and then disposed of as appropriate in light of that decision.\*

Respectfully submitted.

ELIZABETH B. PRELOGAR  
Acting Solicitor General

MAY 2021

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