

No. 20-7549

IN THE SUPREME COURT OF THE UNITED STATES

SHANE ARNOLD, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

ELIZABETH B. PRELOGAR
Acting Solicitor General
Counsel of Record
Department of Justice
Washington, D.C. 20530-0001
SupremeCtBriefs@usdoj.gov
(202) 514-2217

IN THE SUPREME COURT OF THE UNITED STATES

No. 20-7549

SHANE ARNOLD, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

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

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