

IN THE SUPREME COURT OF THE UNITED STATES

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SCOTT RAYMOND TIGNOR, 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 TENTH CIRCUIT

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MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

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No. 20-7870

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Petitioner contends (Pet. 4-9) that his 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 on plain-error review because knowledge of his felon status was not understood to be an element of his offense during the proceedings in the district court. See Rehaif v. United States, 139 S. Ct. 2191 (2019). Petitioner argues in particular that the court of appeals erred in applying the plain-error requirement that he "make a case-specific demonstration of prejudice in order to prevail" on his forfeited claim. Pet. i.

In Greer v. United States, Nos. 19-9709, 20-444, 2021 WL 2405146 (June 14, 2021), this Court held that a defendant who raises a forfeited Rehaif claim following a guilty plea "must satisfy the ordinary plain-error test," id. at \*7, including by establishing a "'reasonable probability'" that if the district court "had correctly advised him of the mens rea element of the offense, \* \* \* he would not have pled guilty," id. at \*4. Because the Court's decision in Greer makes clear that the court of appeals applied the correct plain-error framework to petitioner's Rehaif claim, the petition for a writ of certiorari should be denied.\*

Respectfully submitted.

ELIZABETH B. PRELOGAR  
Acting Solicitor General

JUNE 2021

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