

No. 21-1123

In the Supreme Court of the United States

WILLIAM K. HARRINGTON, UNITED STATES TRUSTEE,
REGION 2, PETITIONER

v.

CLINTON NURSERIES, INC., ET AL.

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

MEMORANDUM FOR RESPONDENTS

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In its petition, the government states that the question presented in this case is the same as presented in *Siegel v. Fitzgerald*, No. 21-441, and requests that the Court hold the petition in this case pending the Court's decision in *Siegel* and then dispose of the petition as appropriate in light of that decision. (Pet. 12).

On June 6, 2022, the Court issued its decision in *Siegel*, holding that the 2017 amendment to 28 U.S.C. § 1930 was unconstitutionally nonuniform, reversing the Fourth Circuit's judgment and remanding the case to the Fourth Circuit for further proceedings consistent with the Court's opinion. *Siegel v. Fitzgerald*, 142 S. Ct. 1770 (2022).

On June 13, 2022, the Court granted certiorari in *Office of the United States Trustee v. John Q. Hammons Fall 2006 LLC*, No. 21-1078, vacated the Tenth Circuit's judgment, and remanded the case for further consideration in light of *Siegel*. *Office of the United States Trustee v. John Q. Hammons Fall 2006, LLC*, 142 S. Ct. 2810 (2022). On June 27, 2022, the

Court granted certiorari in *Bast Amron LLP v. United States Tr. Region 21*, No. 21-1354, vacated the Eleventh Circuit's judgment, and remanded the case for further consideration in light of *Siegel. Bast Amron LLP v. United States Trustee Region 21*, 2022 U.S. LEXIS 3189 (July 27, 2022).

Respondents agree with the government (Pet. 12) that the petition in this case should be disposed of as appropriate in light of and consistent with the Court's decision in *Siegel*, as well as in light of and consistent with the Court's disposition of the *John Q. Hammons* and *Bast Amron LLP* cases.

Respectfully submitted.

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