

No. 21-1274

In the Supreme Court of the United States

BOBBY LEE INGRAM, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

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

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Petitioner contends (Pet. 19-24) that a district court considering a motion for a reduced sentence under Section 404(b) of the First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5222, must take account of this Court’s decision in *Apprendi v. New Jersey*, 530 U.S. 466 (2000), and its progeny. This Court has granted review in *Concepcion v. United States*, No. 20-1650 (argued Jan. 19, 2022), to address whether district courts may or must consider all intervening legal and factual developments, including changes unrelated to Sections 2 and 3 of the Fair Sentencing Act of 2010, Pub. L. No. 111-220, 124 Stat. 2372, in Section 404 proceedings. Accordingly, the petition for a writ of certiorari should be

held pending the decision in *Concepcion* and then disposed of as appropriate in light of that decision.*

Respectfully submitted.

ELIZABETH B. PRELOGAR
Solicitor General

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* The government waives any further response to the petition unless this Court requests otherwise.