

No. 21-1418

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**In the Supreme Court of the United States**

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MEDARDO QUEG SANTOS, 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 ELEVENTH CIRCUIT*

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**MEMORANDUM FOR THE UNITED STATES**

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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. 16), *inter alia*, that the district court erred in its jury instructions on the mens rea requirement for finding a doctor guilty of unlawfully distributing a controlled substance, in violation of 21 U.S.C. 841(a), and conspiring to engage in such conduct, in violation of 21 U.S.C. 846. The Court is currently considering a similar contention in *Ruan v. United States*, No. 20-1410, and *Kahn v. United States*, No. 21-5261 (argued Mar. 1, 2022). Because the Court's decision in *Ruan* and *Kahn* may affect the proper disposition of the petition for a writ of certiorari, the petition in this case should be held pending the decision in those cases and then disposed of as appropriate in light of that decision.\*

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

Respectfully submitted.

ELIZABETH B. PRELOGAR  
*Solicitor General*

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