No. 21-1576

IN THE SUPREME COURT OF THE UNITED STATES

TIMOTHY J. SMITH, PETITIONER

v.

UNITED STATES OF AMERICA

CERTIFICATE OF SERVICE

It is hereby certified that all parties required to be served have been served with copies of the **BRIEF FOR THE UNITED STATES**, via e-mail and first-class mail, postage prepaid, this 27th day of February, 2023.

[See Attached Service List]

As required by Supreme Court Rule 33.1(h), I certify that the document contains <u>10,040</u> words, excluding the parts of the document that are exempted by Supreme Court Rule 33.1(d). I declare under penalty of perjury that the foregoing is true and correct. Executed on <u>February 27, 2023.</u>

Elizabeth B. Prelogar <u>Solicitor General</u> <u>Counsel of Record</u> <u>Department of Justice</u> <u>Washington, D.C. 20530-0001</u> (202) 514-2217

February 27, 2023

Due to the continuing delay in receiving incoming mail at the Department of Justice, in addition to mailing your brief via first-class mail, we would appreciate a fax or email copy of your brief. If that is acceptable to you, please fax your brief to Charlene Goodwin, Supervisory Case Management Specialist, Office of the Solicitor General, at (202) 514-8844, or email at **SupremeCtBriefs@USDOJ.gov.** Ms. Goodwin's phone number is (202) 514-2217 or 2218.

21-1576 SMITH, TIMOTHY J. USA

> SAMIR IBRAHM DEGER-SEN LATHAM & WATKINS LLP 1271 AVENUE OF THE AMERICAS NEW YORK, NY 10020 212-906-4619 SAMIR.DEGER-SEN@LW.COM

JEFFREY T. GREEN SIDLEY AUSTIN LLP 1501 K STREET, NW WASHINGTON, DC 20005 202-736-8291 JGREEN@SIDLEY.COM

SALLY L. PEI KAYE SCHOLER LLP 601 MASSACHUSETTS AVE., NW WASHINGTON, DC 20001 202-942-5000 SALLY.PEI@ARNOLDPORTER.COM

VLADIMIR SEMENDYAI GIBSON, DUNN & CRUTCHER LLP 1050 CONNECTICUT AVENUE, N.W. WASHINGTON, DC 20036-5306 202-955-8274 VSEMENDYAI@GIBSONDUNN.COM 202-831-6075(Fax) PETER TROMBLY LATHAM & WATKINS LLP 1271 AVENUE OF THE AMERICAS NEW YORK, NY 10020 212-906-4619 SAMIR.DEGER-SEN@LW.COM

MICHAEL LI-MING WONG GIBSON, DUNN & CRUTCHER LLP 555 MISSION STREET, SUITE 3000 SAN FRANCISCO, CA 94105 415 393-8333 MWONG@GIBSONDUNN.COM