

No. 21-5480

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IN THE SUPREME COURT OF THE UNITED STATES

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CHARLES BRYANT, 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 SECOND CIRCUIT

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MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 7-11) that a district court considering a defendant's motion for a discretionary reduction of sentence under Section 404(b) of the First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5222, must consider intervening legal and factual developments -- in addition to the changes made by Sections 2 and 3 of the Fair Sentencing Act of 2010, Pub. L. No. 111-220, 124 Stat. 2372 -- that have occurred since the defendant's original sentencing. This Court has granted review in Concepcion v. United States, No. 20-1650 (oral argument scheduled for Jan. 19, 2022), to address that question. The petition for a writ of certiorari should therefore 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

NOVEMBER 2021

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