

No. 21-6224

IN THE SUPREME COURT OF THE UNITED STATES

TONY FORD, 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

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Petitioner contends (Pet. 19-23) 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 all intervening changes in law that have occurred since the offender's original sentence, including changes unrelated to Sections 2 and 3 of the Fair Sentencing Act of 2010, Pub. L. No. 111-220, 124 Stat. 2372. This Court has granted review in Concepcion v. United States, No. 20-1650 (oral argument scheduled for Jan. 19, 2022), to address a question that subsumes that issue -- namely, whether district courts may or must consider all intervening legal and factual developments, unrelated to the

Fair Sentencing Act, in Section 404 proceedings. 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

JANUARY 2022

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