

IN THE SUPREME COURT OF THE UNITED STATES

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ANTONIO SOUL GONZALEZ, 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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No. 21-6376

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Petitioner contends (Pet. 19-24) that a district court considering an offender'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 recalculate the offender's sentencing range under the Sentencing Guidelines in effect at the time of the motion. This Court has granted review in Concepcion v. United States, No. 20-1650 (argued Jan. 19, 2022), to address a question that directly bears on that issue -- namely, whether a district court considering a Section 404(b) motion is required to consider any intervening legal and factual developments since the offender's original sentence, other than the amendments made by

Sections 2 and 3 of the Fair Sentencing Act of 2010, Pub. L. No. 111-220, 124 Stat. 2372. 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

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