

No. 21-6448

IN THE SUPREME COURT OF THE UNITED STATES

JOSEPH D. BROWN, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES

ELIZABETH B. PRELOGAR
Solicitor General
Counsel of Record
Department of Justice
Washington, D.C. 20530-0001
SupremeCtBriefs@usdoj.gov
(202) 514-2217

IN THE SUPREME COURT OF THE UNITED STATES

No. 21-6448

JOSEPH D. BROWN, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES

Petitioner contends (Pet. 12-30) that his sentence for unlawfully possessing a firearm as a felon, in violation of 18 U.S.C. 922(g)(1) and 924(e), should be set aside, on the theory that two of his prior convictions for burglary in violation of Tennessee law were not “committed on occasions different from one another” as required by the Armed Career Criminal Act of 1984 (ACCA), 18 U.S.C. 924(e). On February 22, 2021, this Court granted the petition for a writ of certiorari in Wooden v. United States, No. 20-5279 (argued Oct. 4, 2021), to address the standard for determining whether crimes were “committed on occasions different

from one another” under the ACCA. Because the Court’s decision in Wooden 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 Wooden 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 for a writ of certiorari unless this Court requests otherwise.