

No. 21-6575

IN THE SUPREME COURT OF THE UNITED STATES

NATHANIEL FIELDS, 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. 15-20) 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 (argued Jan. 19, 2022), to address 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

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