

No. 21-6739

IN THE SUPREME COURT OF THE UNITED STATES

ANTHONY HARRIS, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 6-7, 10-16) 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, is required to recalculate the offender's advisory Sentencing Guidelines range under current law. 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, including changes unrelated to Sections 2 and 3 of the Fair Sentencing Act of 2010, Pub. L. No. 111-220, 124 Stat. 2372, 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.