

No. 22-1021

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**In the Supreme Court of the United States**

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JOHN JOSE WATFORD, PETITIONER

*v.*

J. RAY ORMOND, WARDEN

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

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**MEMORANDUM FOR THE RESPONDENT**

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Petitioner contends (Pet. 18-25) that he is entitled to federal habeas corpus relief under 28 U.S.C. 2241 based on his claim that recent precedent in his circuit of conviction establishes that he was incorrectly sentenced as a career offender under the then-mandatory Sentencing Guidelines. Under the “saving clause” in 28 U.S.C. 2255(e), a federal prisoner may seek habeas relief under Section 2241 only if “the remedy by motion [under Section 2255] is inadequate or ineffective to test the legality of his detention.” *Ibid.*

This Court has granted review in *Jones v. Hendrix*, No. 21-857 (argued Nov. 1, 2022), to address whether and, if so, under what circumstances a federal prisoner may seek habeas relief under the saving clause on a claim that his conviction is invalid under *Rehaif v. United States*, 139 S. Ct. 2191 (2019), which narrowed the scope of a federal criminal statute. The Court’s resolution of the question presented in *Jones* could con-

ceivably affect the judgment of the court of appeals below. Accordingly, the Court should hold the petition for a writ of certiorari pending its decision in *Jones* and then dispose of this petition as appropriate.\*

Respectfully submitted.

ELIZABETH B. PRELOGAR  
*Solicitor General*

MAY 2023

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\* The government waives any further response to the petition for a writ of certiorari unless this Court requests otherwise.