

No. 22-5460

IN THE SUPREME COURT OF THE UNITED STATES

BRADLEY LANE CROFT, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 17-23) that he did not "use[]" the means of identification of another person to commit fraud, in violation of 18 U.S.C. 1028A(a)(1), when he submitted a certification application in which he falsely identified four individuals as instructors for specified courses at a school for police dogs and their handlers. This Court has granted review of a closely related question in Dubin v. United States, No. 22-10 (Nov. 11, 2022) -- namely, whether the defendant in that case "use[d]" the means of identification of another person to commit fraud, in violation of 18 U.S.C. 1028A(a)(1), by submitting a

Medicaid claim invoking a specific patient's right to reimbursement for a fictitious medical examination. The court of appeals in this case, moreover, rejected petitioner's arguments based on the decision under review in Dubin. See Pet. App. A9 ("[Petitioner's] argument is now foreclosed by" United States v. Dubin, 27 F.4th 1021 (5th Cir. 2022) (en banc) cert. granted, No. 22-10 (Nov. 11, 2022)). The petition for a writ of certiorari should therefore be held pending the decision in Dubin and then disposed of as appropriate in light of that decision.*

Respectfully submitted.

ELIZABETH B. PRELOGAR
Solicitor General

NOVEMBER 2022

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