

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

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. 22-5460

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

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.