

No. 22-6067

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In The  
Supreme Court of the United States

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YAZAN AL-MADANI,  
*Petitioner,*

v.

UNITED STATES OF AMERICA,  
*Respondent.*

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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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MOTION TO HOLD IN ABEYANCE PENDING A DECISION IN  
**PERCOCO v. UNITED STATES, 21-1158**

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Yazan Al-Madani  
Reg Number: 64368-060  
FCI Allenwood Medium  
P.O. Box 2000  
White Deer, PA 17887  
*Pro-Se Petitioner*

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To the Honorable Justice Brett M. Kavanaugh, Associate Justice of the Supreme Court and Circuit Justice for the United States Court of Appeals for the Sixth Circuit:

COMES NOW the Petitioner, Yazan Al-Madani ("Al-Madani"), *pro se*<sup>1</sup>, and respectfully requests that this Court hold his Certiorari Petition in abeyance pending a decision from this Court in *Percoco v. United States*, 21-1158. In support of this request, Al-Madani states as follows:

1. The question before the Court in *Percoco* is:

"Does a private citizen who holds no elected office or government employment, but has informal political or other influence over governmental decision-making, owe a fiduciary duty to the general public such that he can be convicted of honest-services fraud?" See: *Percoco, Merits Brief at i* (filed August 31, 2022).

2. In his Petition for Certiorari Al-Madani posed a similar question as the one posed in *Percoco*; that is:

"Whether an unelected physician, with no governmental authority whatsoever, can qualify as a "public official" under the Hobbs Act; and if so, whether reducing the number of days an employee is required to work, but not their hours, constitutes an "official act". See: *Al-Madani v. United States*, 22-6067, *Petition at i* (filed October 6, 2022).

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<sup>1</sup> Because Al-Madani is proceeding in this matter without the benefit of counsel, he respectfully requests that this Court apply a liberal interpretation to the questions and arguments asserted herein. See: *Hughes v. Rowe*, 449 U.S. 5, 15 (1980) ("An unrepresented litigant should not be punished for his failure to recognize subtle factual or legal deficiencies in his claims").

3. This Court's decision in Percoco will have a direct effect on Al-Madani's case.

4. The Court held oral arguments in Percoco on November 28, 2022. Therefore, Al-Madani presumes that the Court will issue an opinion this term.

5. The United States has previously waived their right to file a response to Al-Madani's Petition for Certiorari, unless ordered to do so by the Court. Therefore, the United States would not be unduly prejudiced or burdened should this proceeding be held in abeyance pending a decision in Percoco.

6. Al-Madani brings this motion in good faith and not for the purposes of delay.

**WHEREFORE** for the reasons stated herein, Al-Madani prays that his motion be **GRANTED**, and his Certiorari Petition be held in abeyance pending a decision from this Court in Percoco along with any and all other relief deemed just and equitable.

Respectfully Submitted,

*Yazan Al-Madani*  
Yazan Al-Madani  
Reg Number: 64368-060  
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P.O. Box 2000  
White Deer, PA 17887  
*Pro-Se Petitioner*

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**PROOF OF SERVICE**

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I, Yazan Al-Madani, do swear or declare that on this date, November 29, 2022, as required by Supreme Court Rule 39, I have served the enclosed Motion to hold in abeyance on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly address to each of them and with first class postage prepaid. The names and address of those served are as follows:

United States Solicitor General  
Department of Justice  
950 Pennsylvania Ave., N.W.  
Room 5614  
Washington, D.C. 20530-0001

Michael L. Collyer, Esq.  
Assistant United States Attorney  
Northern District of Ohio  
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*Yazan Al-Madani*  
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