

No. 22-7436

IN THE SUPREME COURT OF THE UNITED STATES

CHAD ROBERT KOLKMAN, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 10-12) that a defendant is eligible for safety-valve relief under 18 U.S.C. 3553(f)(1) so long as he does not have every single one of the criminal-history factors specified in the subparagraphs of that provision. This Court granted certiorari in Pulsifer v. United States, 143 S. Ct. 978 (2023) (No. 22-340), to consider whether that interpretation of Section 3553(f)(1) is correct. Although the court of appeals did not decide the merits of that question in petitioner's case because petitioner failed to preserve the claim in the district court, Pet. App. A10-A14, this Court may nevertheless wish to hold the petition for a writ of certiorari pending the Court's decision in

Pulsifer and then dispose of the petition as appropriate in light of that decision.*

Respectfully submitted.

ELIZABETH B. PRELOGAR
Solicitor General

JULY 2023

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