

No. 22-7756

IN THE SUPREME COURT OF THE UNITED STATES

ANDRE ZENO, 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

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Petitioner contends (Pet. 2, 13) 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) (oral argument scheduled for Oct. 2, 2023), to consider whether that interpretation of Section 3553(f)(1) is correct. The petition for a writ of certiorari should therefore

be held pending the Court's decision in Pulsifer and then disposed of as appropriate in light of that decision.*

Respectfully submitted.

ELIZABETH B. PRELOGAR
Solicitor General

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