## IN THE SUPREME COURT OF THE UNITED STATES

## SMITH, JOHNNY ELLERY Petitioner

VS.

No: <u>22-0796</u>

USA

## WAIVER

The Government hereby waives its right to file a response to the petition in this case, unless requested to do so by the Court.

ELIZABETH B. PRELOGAR Solicitor General <u>Counsel of Record</u>

February 24, 2023

cc:

STEPHEN R. SADY FEDERAL PUBLIC DEFENDERS DISTRICT OF OREGON 101 SW MAIN STREET SUITE 1700 PORTLAND, OR 97204

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