

No. 22-828

In the Supreme Court of the United States

ROGER E. PACE, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 20) 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*, No. 22-340 (Feb. 27, 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.*

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

Respectfully submitted.

ELIZABETH B. PRELOGAR
Solicitor General

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