

No. 22-84

---

**In the Supreme Court of the United States**

---

SAAD SAKKAL, PETITIONER

*v.*

UNITED STATES OF AMERICA

---

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

---

# In the Supreme Court of the United States

---

No. 22-84

SAAD SAKKAL, PETITIONER

*v.*

UNITED STATES OF AMERICA

---

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

---

## MEMORANDUM FOR THE UNITED STATES

---

Petitioner contends (Pet. 11-13) that the district court erred in its jury instructions on the mens rea requirement for finding a doctor guilty of unlawfully dispensing or distributing a controlled substance, in violation of 21 U.S.C. 841(a). In *Ruan v. United States*, 142 S. Ct. 2370 (2022), the Court held “that once a defendant meets the burden of producing evidence that his or her conduct was ‘authorized’” under Section 841(a), “the Government must prove beyond a reasonable doubt that the defendant knowingly or intentionally acted in an unauthorized manner.” *Id.* at 2376. Accordingly, the appropriate course is to grant the petition for a writ of certiorari, vacate the decision below, and remand the case for further consideration in light of *Ruan*.<sup>\*</sup>

---

<sup>\*</sup> 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*

AUGUST 2022