

No. 23-5691

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IN THE SUPREME COURT OF THE UNITED STATES

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RICARDO GARCIA, JR., PETITIONER

v.

UNITED STATES OF AMERICA

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

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MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 9-18) 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) (argued 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

NOVEMBER 2023

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