

No. 23-6757

In the Supreme Court of the United States

BRYAN ALAN KENNERT, PETITIONER

v.

UNITED STATES OF AMERICA, RESPONDENT

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

**MOTION TO DISMISS PETITION FOR WRIT OF CERTIORARI
PURSUANT TO SUPREME COURT RULE 46.2(a)**

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Paul L. Nelson, counsel of record for Petitioner Bryan Alan Kennert, and pursuant to Supreme Court Rule 46.2(a), respectfully moves this Honorable Court to dismiss the Petition for Writ of Certiorari. In support, counsel states as follows:

1. The instant Petition was filed seeking review of the Opinion and Judgment entered on August 3, 2023, by the United States Court of Appeals for the Sixth Circuit affirming the judgment of the United States District Court for the Western District of Michigan which had imposed a sentence of imprisonment on Bryan Kennert.

2. Counsel has learned that Mr. Kennert passed away on February 11, 2024, while in the custody of the Federal Bureau of Prisons. *See* Federal Bureau of Prisons, Inmate Locator, search for Bryan Alan Kennert, Register Number 05992-040.¹

3. A Petition for Writ of Certiorari is dismissed upon the death of the Petitioner. *Dove v. United States*, 423 U.S. 325, 96 S.Ct. 579 (1976).

4. Mr. Kennert was seeking leave to proceed *in forma pauperis* and the Government has waived its right to respond to the Petition. There currently are no fees due the Clerk in this matter.

¹ The Inmate Locator is found at <https://www.bop.gov/inmateloc/>

WHEREFORE, it is respectfully requested that this Honorable Court grant this motion and dismiss the Petition for Writ of Certiorari.

Respectfully submitted,

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Federal Public Defender

/s/ Paul L. Nelson
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Dated: February 23, 2024