

May 7, 2024

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The Honorable Scott S. Harris
Clerk of the Court
Supreme Court of the United States
One First Street, NE
Washington, D.C. 20543

Re: *Mohammed v. United States*, No. 23-7287

Dear Mr. Harris:

I represent petitioner Khan Mohammed in this matter. I respectfully submit this letter to inform the Court that the Ninth Circuit has issued its *en banc* decision in *United States v. Lucas*, No. 22-50064 (9th Cir. May 2, 2024). *See* Pet. 18 n.2 (noting the pending decision in *Lucas*). The court overruled its prior precedent “and fully adopt[ed] the ‘preponderance of the evidence’ standard” for all findings of fact at sentencing. *Lucas*, slip op. at 3. I have enclosed a copy of the Ninth Circuit’s opinion. The decision in *Lucas* does not affect the second question presented in the petition for certiorari.

Respectfully submitted,

/s/ Reedy C. Swanson

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cc: Elizabeth Prelogar, Solicitor General