

No. 23-918

IN THE
Supreme Court of the United States

RANITO ALLEN,

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**

REPLY TO BRIEF IN OPPOSITION

| | |
|-----------------------|--------------------------|
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ARGUMENT

On June 3, 2024, this Court granted certiorari in *Delligatti v. United States*, No. 23-825. This petition presents the same question as *Delligatti*. *See* BIO 9 (“The same argument has been raised in the petition for a writ of certiorari in *Delligatti*[.]”). Contrary to the Government’s submission, *see id.* at 10–12, this case would have been at least a strong a vehicle for answering that question: The Sixth Circuit’s decision relied exclusively on its answer to the Question Presented, *see* Pet.App.4a–7a, and the Government waived any argument that the plain-error standard applies, *see* U.S. CA6 Br. 8 (acknowledging that “whether a particular offense satisfies §924(c)(3)(A)” is “review[ed] de novo”). But because this Court has now granted certiorari in *Delligatti*, Mr. Allen agrees that the Court should “hold [this] petition . . . pending the disposition of that case.” BIO 10.

CONCLUSION

The petition should be held pending the Court’s disposition of *Delligatti v. United States*, No. 23-825 (cert granted Jan. 29, 2024).

June 4, 2024

Respectfully submitted,

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