

No. 24-241

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

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MICHAEL BAKER, 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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ELIZABETH B. PRELOGAR  
*Solicitor General  
Counsel of Record  
Department of Justice  
Washington, D.C. 20530-0001  
SupremeCtBriefs@usdoj.gov  
(202) 514-2217*

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## MEMORANDUM FOR THE UNITED STATES

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Petitioner seeks review of the denial of a certificate of appealability on his postconviction challenge to wire-fraud convictions, arguing that his scheme should not be considered a scheme with the object to obtain money or property. See Pet. 7-21. This Court has granted review in *Kousisis v. United States*, 144 S. Ct. 2655 (2024) (No. 23-909), to consider whether fraudulently inducing a transaction constitutes property fraud if the victim ultimately suffers no net pecuniary loss. Because the Court’s resolution of that question could conceivably affect the judgment below, this Court should hold the petition for a writ of certiorari pending its decision in *Kousisis* and then dispose of this petition as appropriate.\*

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\* 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*

OCTOBER 2024