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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: *Antoine Wiggins v. United States*, No. 24-6410

Dear Mr. Harris:

I represent Petitioner Antoine Wiggins in the above-referenced matter. I respectfully submit this letter to inform the Court of two developments that further confirm that the Court should grant certiorari.

First, on June 9, 2025, the Sentencing Commission released its list of proposed priorities for the 2025-2026 amendment cycle. U.S.S.C., *Proposed Priorities for Amendment Cycle*, <https://perma.cc/E6XF-8UV9>. Once again, the question of whether “controlled substance” includes substances controlled under only federal law or also state law is absent from that list. This shows that the Commission once again does not plan to resolve the circuit split pending before this Court on certiorari. The Commission’s proposed priorities generically refer to the “[r]esolution of circuit conflicts,” but the Commission used the same stock language in its 2023 and 2024 priorities and did not take up the question presented in either amendment cycle. *See* Reply 6; *compare* 88 Fed. Reg. 39907 (June 20, 2023) (using same stock language), *and* 89 Fed. Reg. 48029 (June 4, 2024) (same), *with* 87 Fed. Reg. 60438 (Oct. 5, 2022) (specifically identifying this circuit split as a priority, but ultimately failing to act). There is no reason to believe the Commission will resolve the question presented in this petition, which it has now declined to resolve for *three years in a row*, despite a deep and persistent circuit split that significantly impacts the sentences imposed on individual defendants. A defendant’s sentence should not depend on the circuit in which he sits.

Second, on June 2, 2025, the Eleventh Circuit reaffirmed its prior decision in *United States v. Dubois*, which held that the definition of “controlled substance” in the Sentencing Guidelines includes substances controlled under state law but not federal law. Opinion at 4-5, *United States v. Dubois*, No. 22-10829 (11th Cir. June 2, 2025). This reconfirms the Eleventh Circuit’s placement on the majority side of the split and is yet further reason for this Court to grant certiorari. *See* Cert. Reply 3 & n.2.

Sincerely,

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