

No. 24-6560

IN THE SUPREME COURT OF THE UNITED STATES

TAMAZ PASTERNAK, AKA TOMAS PASTERNAK, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

SARAH M. HARRIS
Acting Solicitor General
Counsel of Record
Department of Justice
Washington, D.C. 20530-0001
SupremeCtBriefs@usdoj.gov
(202) 514-2217

IN THE SUPREME COURT OF THE UNITED STATES

No. 24-6560

TAMAZ PASTERNAK, AKA TOMAS PASTERNAK, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

Petitioner challenges his convictions for wire fraud and conspiring to commit wire fraud arising out of his scheme to defraud car buyers by concealing the cars' "salvage" histories, arguing (Pet. 4) that his conduct is not covered by the federal fraud statutes because "the buyers * * * got what they paid for -- working, registrable cars at fair-market prices." He asks (Pet. 7-12) to have the petition for a writ of certiorari held pending the Court's decision in Kousisis v. United States, No. 23-909 (argued Dec. 9, 2024), which will address whether a conviction under the federal property-fraud statutes requires proof that the victims suffered a net pecuniary loss. Because the Court's

resolution of that issue in Kousisis may 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.*

Respectfully submitted.

SARAH M. HARRIS
Acting Solicitor General

MARCH 2025

* The government waives any further response to the petition for a writ of certiorari unless this Court requests otherwise.