

No. 17-6904

IN THE SUPREME COURT OF THE UNITED STATES

RAYMOND STERN, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

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Petitioner, who pleaded guilty under Federal Rule of Criminal Procedure 11(c)(1)(C) to a federal drug crime and a firearms offense, Pet. App. 2a, 7a, contends in a pro se petition for a writ of certiorari that he was entitled to a sentence reduction under 18 U.S.C. 3582(c)(2). He argues (Pet. 3-8) that the court of appeals improperly applied Freeman v. United States, 564 U.S. 522 (2011), when it determined that he was ineligible for resentencing because he was sentenced under a binding Rule 11(c)(1)(C) plea agreement that did not link his sentence to the Sentencing Guidelines. On December 8, 2017, this Court granted

certiorari in Hughes v. United States, No. 17-155, to address the appropriate application of Freeman, supra, and whether defendants who pleaded guilty under Rule 11(c)(1)(C) are eligible for sentence reductions under Section 3582(c)(2). This Court's decision in Hughes may bear on whether the court of appeals correctly affirmed the denial of relief in petitioner's case. Accordingly, the petition for a writ of certiorari should be held pending the resolution of Hughes and then disposed of as appropriate in light of the decision in that case.*

Respectfully submitted.

NOEL J. FRANCISCO
Solicitor General

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* The government waives any further response to the petition unless this Court requests otherwise.