

No. 17-7261

IN THE SUPREME COURT OF THE UNITED STATES

LUIS ALBERTO RUIZ-DOMINGUEZ, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 8-20) that the court of appeals erred in declining to exercise its discretion under the fourth prong of the plain-error standard to correct an error in calculating his advisory Sentencing Guidelines range. The question that petitioner presents implicates the issue currently before this Court in Rosales-Mireles v. United States, cert. granted, No. 16-9493 (oral argument scheduled for Feb. 21, 2018), in which this Court will address the application of the fourth prong of the plain-error standard to Guidelines miscalculations. Because the proper disposition of the petition for a writ of

certiorari may be affected by the Court's resolution of Rosales-Mireles, the petition should be held pending the decision in that case, and then disposed of as appropriate in light of that decision.*

Respectfully submitted.

NOEL J. FRANCISCO
Solicitor General

FEBRUARY 2018

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