

No. 17-7325

IN THE SUPREME COURT OF THE UNITED STATES

LASONDRA DOWELL, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH 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 federal drug crimes and a firearms offense, Pet. App. A5-A6, contends (Pet. 3-4) that her petition for a writ of certiorari should be held pending this Court's decision in Hughes v. United States, cert. granted, No. 17-155 (Dec. 8, 2017). The district court denied petitioner's motion for a sentence reduction under 18 U.S.C. 3582(c)(2) on the ground that petitioner was not entitled to a sentence reduction under the approach in Justice Sotomayor's opinion concurring in the judgment in Freeman v. United States, 564 U.S. 522, 534-544 (2011). Pet.

App. B1-B5. The court of appeals affirmed on the same ground. Id. at A5-A7. This Court granted certiorari in Hughes, supra, on the questions whether Justice Sotomayor's concurring opinion in Freeman represents the holding of the Court concerning sentence reductions under Section 3582(c)(2) and whether defendants who pleaded guilty under Rule 11(c)(1)(C) are eligible for sentence reductions under Section 3582(c)(2). Because the Court's decision in Hughes will bear on the proper resolution of this case, the government agrees that 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.