



U.S. Department of Justice

Office of the Solicitor General

Washington, D.C. 20530

February 28, 2019

Honorable Scott S. Harris
Clerk
Supreme Court of the United States
Washington, D.C. 20543

Re: United States v. Gerald Adrian Wheeler, No. 18-420

Dear Mr. Harris:

In the government's reply brief in support of its petition for a writ of certiorari, the government explained that the district court had "schedule[ed] a hearing, to take place on February 28, 2019, on respondent's request for habeas relief" in light of the court of appeals' ruling that respondent was entitled to be resentenced and its decision not to stay the mandate. Reply Br. 9. The government stated that it would "inform the Court of the case's status following the hearing * * * and w[ould] also inform the Court if and when respondent has been resentenced." *Id.* at 10.

At the hearing, which was held today, the district court granted respondent's request for habeas relief and resentenced him to time served. Respondent will therefore be released from custody approximately eight months before the expiration of his original term of incarceration, which was due to expire in October 2019. For the reasons stated in the government's reply brief, the grant of habeas relief to shorten respondent's term of imprisonment means that this case "continue[s] to present a live controversy regarding the permissibility of such relief." Reply Br. 9.

Sincerely,

Noel J. Francisco
Solicitor General

cc: See Attached Service List

18-0420
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