

No. 18-6852

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IN THE SUPREME COURT OF THE UNITED STATES

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ARNOLD BENNETT CALDWELL, PETITIONER

v.

UNITED STATES OF AMERICA

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

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MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 3-6) that his conviction under the Sex Offender Registration and Notification Act (SORNA), 18 U.S.C. 2250(a), is invalid because he committed his sex offense prior to SORNA's enactment and that the provision of SORNA authorizing the Attorney General to adopt regulations applying SORNA's registration requirements retroactively to pre-SORNA offenders such as petitioner, 34 U.S.C. 20913(d) (Supp. V 2017), violates the nondelegation doctrine. On March 5, 2018, this Court granted a writ of certiorari to consider that question in Gundy v. United States, 138 S. Ct. 1260 (No. 17-6086). The petition for a writ of certiorari in this case should therefore be held pending the

Court's decision in Gundy and then disposed of as appropriate in light of that decision.\*

Respectfully submitted.

NOEL J. FRANCISCO  
Solicitor General

DECEMBER 2018

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