

No. 19-568

In the Supreme Court of the United States

JOSE SUSUMO AZANO MATSURA, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

NOEL J. FRANCISCO
*Solicitor General
Counsel of Record
Department of Justice
Washington, D.C. 20530-0001
SupremeCtBriefs@usdoj.gov
(202) 514-2217*

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Petitioner contends (Pet. 10-12) that his conviction for possessing a firearm as an alien admitted to the United States under a nonimmigrant visa, in violation of 18 U.S.C. 922(g)(5)(B) and 924(a)(2), is infirm because the courts below did not recognize that knowledge of status is an element of that offense. In *Rehaif v. United States*, 139 S. Ct. 2191 (2019), this Court held that the mens rea of knowledge under Sections 922(g) and 924(a)(2) applies “both to the defendant’s conduct and to the defendant’s status.” *Id.* at 2194. Accordingly, the appropriate course is to grant the petition for a writ of certiorari, vacate the decision below, and remand the case for further consideration in light of *Rehaif*.*

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

Respectfully submitted.

NOEL J. FRANCISCO
Solicitor General

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