

# Federal Defenders OF NEW YORK, INC.

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September 26, 2025

Hon. Scott S. Harris  
Clerk of the Court  
Supreme Court of the United States  
One First Street, N.E.  
Washington, DC 20543-0001

Re: *Christian Genao v. United States*, Dkt. No. 24-6836

Dear Mr. Harris,

Petitioner Christian Genao sought a writ of certiorari from the United States Supreme Court on March 19, 2025, under docket number 24-6836. His question presented is whether “sentencing courts [must] orally pronounce non-mandatory conditions of supervised release to protect defendants’ right to be present and to put them on notice of the conditions they must follow to avoid reincarceration.” At the Supreme Court’s request, the government filed a response on August 8, 2025. Mr. Genao filed a reply on August 21, 2025. His petition has been distributed for the conference set for September 29, 2025. Mr. Genao now submits this letter as a notice of supplemental authority, and in support of a request to stay further consideration of Mr. Genao’s petition of certiorari until the Second Circuit reaches a decision on an unopposed motion to recall the mandate in Mr. Genao’s case. The government, represented by Assistant Solicitor General Ashley Robertson, does not oppose this stay request.

On August 28, 2025, after Mr. Genao’s petition for certiorari was fully briefed, the Second Circuit issued an *en banc* opinion in *United States v. Maiorana*, No. 22-1115-CR, 2025 WL 2471027 (2d Cir. Aug. 28, 2025) (*en banc*) that answered Mr. Genao’s proposed question presented before the Supreme Court. The *en banc* Second Circuit held that “[m]andatory conditions [of supervised release] may be imposed without prior notice or pronouncement,” but that “[d]iscretionary conditions may not.” *Maiorana*, 2025 WL 2471027, at \*5. Thus, the *en banc* Court answered Mr. Genao’s certiorari question in the affirmative and overruled contrary Second Circuit

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case law, including *United States v. Truscello*, 168 F.3d 61 (2d Cir. 1999) and its progeny. *Maiorana*, 2025 WL 2471027, at \* 5 n.9.

With the consent of the government, Mr. Genao subsequently moved for the Second Circuit to issue an order recalling the mandate in his case and granting a rehearing in light of *Maiorana*. ECF No. 23-6710, Dkt. No. 58 (filed September 8, 2025). That motion is currently pending before the Second Circuit.

In light of the pending consent-motion to recall the mandate in the Second Circuit, I respectfully request that the Court stay further consideration of Mr. Genao's petition for certiorari until the Second Circuit rules on the motion.

Thank you for your attention to this matter.

Sincerely,  
/s/  
Allegra Glashausser  
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