

IN THE SUPREME COURT OF THE UNITED STATES

No. 25-246

KENNETH J. JOUPPI, PETITIONER,

v.

STATE OF ALASKA

ON WRIT OF CERTIORARI
TO THE SUPREME COURT OF ALASKA

MOTION OF THE UNITED STATES FOR LEAVE TO
PARTICIPATE IN ORAL ARGUMENT AS AMICUS CURIAE
AND FOR DIVIDED ARGUMENT

Pursuant to Rule 28 of the Rules of this Court, the Solicitor General, on behalf of the United States, respectfully moves that the United States be granted leave to participate in the oral argument in this case and that the time be allotted as follows: 30 minutes for petitioner, 20 minutes for respondent, and 10 minutes for the United States. Counsel for respondent consents to this motion.

This case arises from the forfeiture of an airplane that petitioner used in attempting to transport alcohol to a dry village

in Alaska. The question presented in the petition is whether, in determining whether the forfeiture contravenes the Excessive Fines Clause, courts may consider the gravity of the underlying offense purely in the abstract or should also consider the gravity of the specific defendant's wrongdoing. The United States has filed a brief as amicus curiae supporting respondent.

The United States has significant interests in this case. Federal statutes provide for the forfeiture of conveyances used to transport alcohol in violation of federal law. See 18 U.S.C. 3667, 3669. Other federal statutes provide for the forfeiture of instrumentalities used in federal crimes. See, e.g., 21 U.S.C. 881 (forfeiture of property used in controlled-substances offenses). And more broadly, the United States regularly seeks fines and other penalties that could be subject to challenge under the Eighth Amendment's Excessive Fines Clause.

The United States has previously presented oral argument as a party or amicus curiae in other cases concerning the interpretation of the Excessive Fines Clause. See, e.g., Pung v. Isabella County, 609 U.S. 30 (2026) (No. 25-95); United States v. Bajakajian, 524 U.S. 321 (1998) (No. 96-1487); Austin v. United States, 509 U.S. 602 (1993) (No. 92-6073). The United States' participation in oral argument in this case could be of material assistance to the Court.

Respectfully submitted.

D. JOHN SAUER
Solicitor General
Counsel of Record

OCTOBER 2026