

No. 25-372

In the Supreme Court of the United States

ERIK MATTHEW HARRIS, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 12-35) that 18 U.S.C. 922(g)(3), the federal statute that prohibits a person from possessing a firearm if he “is an unlawful user of or addicted to any controlled substance,” *ibid.*, violates the Second Amendment as applied to him and is void for vagueness. This Court is currently considering an as-applied Second Amendment challenge to Section 922(g)(3) in *United States v. Hemani*, cert. granted, No. 24-1234 (Oct. 20, 2025). The resolution of *Hemani* could affect the proper resolution of the Second Amendment claim in this case. The Court should therefore hold the petition for a writ of certiorari in this case pending the resolution of *Hemani* and then dispose of the petition as appropriate.*

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

Respectfully submitted.

D. JOHN SAUER
Solicitor General

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