

No. 25-5376

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IN THE SUPREME COURT OF THE UNITED STATES

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WESLEY SWICK, 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 FIFTH CIRCUIT

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MEMORANDUM FOR THE UNITED STATES

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Petitioner challenges the district court's revocation of his supervised release, contending (Pet. 4-5) that his term was fully discharged while he was a fugitive from supervision and that fugitive-tolling principles do not apply to supervised release. The same contentions are raised in Rico v. United States, No. 24-1056 (oral argument scheduled for Nov. 3, 2025). Because the resolution of Rico could affect the proper disposition of this case, the government agrees with petitioner (Pet. 5-7) that the

petition for a writ of certiorari should be held pending the Court's decision in Rico and then disposed of as appropriate.\*

Respectfully submitted.

D. JOHN SAUER  
Solicitor General

SEPTEMBER 2025

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