

No. 25-5609

IN THE SUPREME COURT OF THE UNITED STATES

JACKIE KAVASKIA MCMILLAN, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (8-16) that he should be permitted to appeal a drug-testing condition of his supervised release term notwithstanding a provision in his plea agreement waiving the right to appeal his sentence on any ground, subject to certain exceptions that do not encompass his challenge to that supervised-release condition. See Pet. 7. This Court granted certiorari in Hunter v. United States, No. 24-1063, 2025 WL 2885281 (Oct. 10, 2025), to consider, inter alia, the potential circumstances under which a defendant may appeal his sentence notwithstanding a general appeal waiver in his plea agreement. Because the Court's decision in

Hunter may affect the proper disposition of the petition for a writ of certiorari, the petition in this case should be held pending the decision in Hunter and then disposed of as appropriate in light of that decision.*

Respectfully submitted.

D. JOHN SAUER
Solicitor General

OCTOBER 2025

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