

No. 25-5986

IN THE SUPREME COURT OF THE UNITED STATES

TOVIS ATION RICHARDSON, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 17-25) that he should be permitted to appeal his sentence notwithstanding a provision in his plea agreement waiving the right to appeal his sentence, subject to certain exceptions that do not encompass his present challenge. This Court granted certiorari in Hunter v. United States, No. 24-1063 (Oct. 10, 2025), to consider, inter alia, the potential circumstances under which a defendant may appeal his sentence notwithstanding an appeal waiver in his plea agreement. Because the Court's decision in Hunter could conceivably 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

DECEMBER 2025

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