

No. 25-6136

IN THE SUPREME COURT OF THE UNITED STATES

DAMIEN ANTIONE JONES, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 4-8) that he should be permitted to collaterally attack his conviction under 18 U.S.C. 924(c) and accompanying sentence notwithstanding a provision in his plea agreement waiving the right to challenge his convictions and sentence in any collateral proceeding, 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 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

JANUARY 2026

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