

No. 25-6142

IN THE SUPREME COURT OF THE UNITED STATES

JOHN ELWOOD TYRONE MARTIN, 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. i, 25-27) that he should be permitted to appeal his sentence notwithstanding a provision in his plea agreement waiving that right, because the district court advised him during sentencing that he had a right to appeal and the government did not object. This Court granted certiorari in Hunter v. United States, No. 24-1063 (Oct. 10, 2025), to consider, inter alia, whether an appeal waiver applies in those circumstances. 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.