

No. 25-6269

IN THE SUPREME COURT OF THE UNITED STATES

LAIRON GRAHAM, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

D. JOHN SAUER
Solicitor General
Counsel of Record
Department of Justice
Washington, D.C. 20530-0001
SupremeCtBriefs@usdoj.gov
(202) 514-2217

IN THE SUPREME COURT OF THE UNITED STATES

No. 25-6269

LAIRON GRAHAM, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

Petitioner contends (Pet. 18-21) that he should be permitted to appeal his sentence under 21 U.S.C. 841(b)(1)(A) notwithstanding a provision in his plea agreement waiving the right to appeal his sentence except in circumstances that the court of appeals found not to be present here. See Pet. App. A3. This Court granted the petition for a writ of certiorari in Hunter v. United States, No. 24-1063 (oral argument scheduled for Mar. 3, 2026), to consider, inter alia, any 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

FEBRUARY 2026

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