

No. 25-6385

IN THE SUPREME COURT OF THE UNITED STATES

JOHNATHAN MORRISON, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 2, 4-5) that he should be permitted to appeal his sentence notwithstanding a provision in his plea agreement waiving that right subject to certain exceptions not applicable here, see Plea Agreement 12, on the theory that enforcement of the appeal waiver would result in a “miscarriage of justice” based on “surprising enhancements” included in the district court’s calculation of petitioner’s advisory Sentencing Guidelines range. Pet. 2. This Court granted a writ of certiorari in Hunter v. United States, No. 24-1063 (oral argument scheduled for Mar. 3, 2026), 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 could 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.