

IN THE SUPREME COURT OF THE UNITED STATES

LEDALE DEANTHONY SAWYER, 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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No. 25-6465

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MEMORANDUM FOR THE UNITED STATES

Petitioner contends (Pet. 11-14, 18-20) that he should be permitted to appeal the district court's application of a career-offender enhancement to his advisory Sentencing Guidelines range notwithstanding a provision in his plea agreement waiving his right to an appeal, subject to certain exceptions not applicable here, see Plea Agreement 9-10, on the theory that enforcement of the appeal waiver would be "unjust" due to an intervening change in circuit precedent. Pet. 12. 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 may 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

MARCH 2026

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