

No. 25-6599

IN THE SUPREME COURT OF THE UNITED STATES

HARRY WHITMAN, 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. 14-15) that the “extraordinary and compelling reasons” necessary to permit reducing a final sentence under 18 U.S.C. 3582(c)(1)(A)(i) can include a statutory sentencing amendment to 18 U.S.C. 924(c) that Congress specified would be inapplicable to final sentences. This Court granted certiorari in Rutherford v. United States, 145 S. Ct. 2776 (2025) (No. 24-820) (argued Nov. 12, 2025), and Carter v. United States, 145 S. Ct. 2775 (2025) (No. 24-860) (argued Nov. 12, 2025), to consider whether that interpretation of Section 3582(c)(1)(A)(i) is correct. The petition for a writ of certiorari should therefore be held

pending the Court's decision in Rutherford and Carter 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.